

Examination of the Stevenage Borough Local Plan (2011-2031)

Stage 1 hearing sessions

Statement of North Hertfordshire District Council (representor ref: 405069)

Matter 1 – Legal requirements and overarching matters

Question 1. Overall, has the Plan been prepared in accordance with relevant legal requirements, including the ‘Duty to Cooperate’ imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)? Has the duty to co-operate been met? What has been the nature of the cooperation and on what issues? How is the planning work of the various planning authorities coordinated?

1. North Hertfordshire District Council (NHDC) is satisfied that Stevenage Borough Council’s (SBC) plan has been prepared in accordance with the relevant legal requirements including the Duty to Co-operate (the Duty).
2. It is well established that compliance with the Duty is a fundamental prerequisite of any plan. Failure upon these grounds is incapable of remedy at examination. This principle has been firmly established in this area through the recent examinations of the plans of Central Bedfordshire (2015) and St Albans (2016).
3. It is established in case law that the Duty to Co-operate applies to the preparation of the plan and runs until the point of plan submission¹. In this instance, it is therefore necessary to consider the nature of activities undertaken in the period up to and including July 2016 when the SBC plan was submitted for examination.
4. Although it lies outwith the legal assessment of the Duty insofar as it relates to this plan, the Duty between the two authorities still remains ‘live’ in the context of the ongoing preparation of NHDC’s own local plan which has recently completed its own proposed submission consultation². The two Councils have continued to engage in a constructive, active and ongoing basis following submission of the SBC plan on relevant issues.
5. NHDC and SBC have sought to work to broadly aligned timetables for plan preparation and participate in joint evidence work where appropriate.
6. NHDC’s representations to SBC’s proposed submission (Reg. 19) consultation in January 2016 outlined a range of areas where joint working had occurred and / or broad agreement reached until that point under the Duty and made clear that the detailed representations submitted were non-strategic in nature.

¹ Samuel Smith Old Brewery (Tadcaster) v Selby District Council [2015] EWCA Civ 1107, <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1107.html>

² Under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

7. The areas of agreement between the two authorities were substantively arrived at prior to the submission of Stevenage's plan – as is evidenced in the answers provided in the remainder of this statement and also in our response to Matters 2 and 3.
8. Work has continued to finalise a Memorandum of Understanding between the two authorities to reflect these issues. This has recently been agreed and is attached as Appendix 1 and will be separately submitted to be added to the Examination library.
9. The effective operation of the Duty between NHDC and SBC is critical to a successful outcome to both authorities' plans. NHDC abuts SBC on three sides. SBC is a small 'under bounded' authority with the urban area extending, or planned to extend, to the Borough's administrative limits and, to the north-east, already entering NHDC in the Great Ashby area (c.f. Document Reference LP1, paragraph 2.6 and accompanying map, 1st bullet point after para 2.13).
10. Other questions in this and other matters in the hearings demonstrate the outcomes of work under the duty so the remainder of this answer relates primarily to the issues of process in the final two 'sub questions' asked by the Inspector.
11. NHDC and SBC have held a series of bilateral meetings at officer and member levels to progress key issues under the Duty. These have been supplemented by multilateral meetings with other bodies on relevant matters and the setting up of and / or participation in wider steering groups for relevant projects. Much of this is captured in SBC's document SC1 and the agreed Memorandum of Understanding but, for completeness, some of the mechanisms for interaction between NHDC and SBC against the key strategic priorities identified in Para 156 of the NPPF are outlined in the table below.

Table 1: Summary of key areas of cooperation between NHDC and SBC and mechanisms used

Strategic Priority	Outputs	Key areas of work under the Duty and mechanism(s)
(overarching)		Ongoing officer and member cooperation through meetings and participation in local plan consultation activities at Regulation 18. This has resulted in broadly co-ordinated development strategies at Reg 19 stage. Memorandum of Understanding agreed.
The homes and jobs needed in the area	Definition of 'the area' (housing)	Jointly commissioned study (HP1) with seven authorities to establish Housing Market Areas progressed through joint steering group which also involved neighbouring authorities beyond the commission boundary. Results reported / endorsed / approved through individual member processes (e.g. relevant committee reports)

Strategic Priority	Outputs	Key areas of work under the Duty and mechanism(s)
	Definition of 'the area' (employment)	Jointly commissioned study with SBC and Central Bedfordshire (ER1) progressed through joint steering group which also involved neighbouring authorities beyond the commission boundary. Results reported / endorsed / approved through individual member processes (e.g. relevant committee reports)
	Identification of the homes needed in the area	Jointly commissioned study (HP2) progressed through joint steering group which also involved neighbouring authorities beyond the commission boundary. Results reported / endorsed / approved through individual member processes (e.g. relevant committee reports). Methodology consistent with approach used by a number of surrounding authorities with outputs of those studies monitored through participation by both authorities in steering groups and meetings.
	Identification of sites to provide the homes needed in the area	Ongoing negotiation seeking to ensure consistent policy approach on 'cross border' sites.
	Consideration of the role of Green Belt and the 'exceptional circumstances' required to alter boundaries by the NPPF in response to housing and employment studies	Relevant studies produced independently but to a consistent methodology. Formal and informal opportunities provided for comment (e.g. through responses to Local Plan consultations) to ensure a holistic approach
The provision of retail, leisure, and other commercial development	General	Relevant studies produced independently but formal and informal opportunities provided for comment (e.g. through responses to Local Plan consultations) to ensure a holistic approach
The provision of infrastructure...	Transport	Joint transport modelling (TI5) and ongoing use of the same transport models as advised by Hertfordshire County Council (HCC) and broadly consistent inputs. Multilateral meetings including with HCC and Highways Agency / Highways England. Broad consistency of mitigation measures identified in both authorities' Infrastructure Delivery Plans (TI1).

Strategic Priority	Outputs	Key areas of work under the Duty and mechanism(s)
	Water supply and wastewater	Participation by NHDC in production of relevant SBC evidence document (E5) including agreement of key inputs. Multilateral meetings with Environment Agency and Thames Water.
The provision of...facilities	Education	Multilateral meetings with HCC where need for robust justification of education requirements was jointly emphasised. Ongoing negotiation seeking to ensure consistent policy approach on 'cross border' sites

Question 2. Are the likely environmental, social and economic effects of the Plan adequately and accurately assessed in the Habitats Regulations Assessments and the Sustainability Appraisals (SAs)? Does the SA test the Plan against all reasonable alternatives?

12. NHDC is content that, in terms of strategic housing and employment issues, the sustainability appraisal has tested all reasonable alternatives.

13. Planning Practice Guidance states that

Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable³.

14. In relation to housing, earlier stages of consultation have envisaged scenarios where the housing needs of the Borough both would and would not be met and where Green Belt land would and would not be used to accommodate this. This is reflected in the different options and targets contained in Documents LPD4 and LPD3 and the relevant parts of the sustainability appraisals which accompanied these documents at the time of their consultation.

15. In part due to the approach to housing outlined above, the submitted plan makes clear it cannot meet all of Borough's identified employment requirements. However, this potential outcome was envisaged, and reasonable alternatives considered, within the consideration of options in LPD4, particularly Issue 5. The implications for the balance between residential and employment development of the different housing target options were referred to in the sustainability appraisal accompanying LPD3.

16. In terms of SA, alternative options for dealing with any identified unmet needs are for the plans of any 'receiving' authorities to consider.

17. NHDC have no specific comments to make against other issues.

³ NPPF, Planning Practice Guidance Paragraph: 018 Reference ID: 11-018-20140306

Question 3. Is the Plan compliant with:

- (a) the Local Development Scheme?*
- (b) the Statement of Community Involvement?*
- (c) the 2004 Act and the 2012 Regulations?*

18. NHDC have no specific comments to make against this question.

Question 4. Does the Plan provide effective outcomes in terms of cross-boundary issues?

19. NHDC believes that the submitted Plan provides effective outcomes in terms of cross-boundary issues. Much of this is expressed in SBC document SC1 and now also in the agreed Memorandum of Understanding between the two authorities.

20. In relation to effective outcomes between SBC and NHDC, the plan and associated evidence base articulate a range of information relating to the strategic priorities identified in Paragraph 156 of the NPPF. Including:

- Articulation of the jointly identified functional housing market area (p.14 of the Submission Plan (LP1)).
- Identification of the jointly identified functional economic market area (p.16).
- Recognition in Policy SP3(e) that the Council will continue to work with NHDC and others to ensure appropriate levels of employment provision. NHDC's subsequent Proposed Submission plan (Document reference ORD1) includes the proposed employment site referenced in criterion (e)(i). This issue is returned to in this Council's statement on Matter 2.
- Identification in paragraphs 5.46 to 5.52 inclusive of matters relating to shared infrastructure including the A1(M), the local highway network and wastewater facilities.
- A policy approach ~ articulated through Policy SP7 ~ which meets OAHN within the Borough (both as known at the point of submission and as subsequently revised by Document ED112). This is based on a common understanding / approach with NHDC and also makes a positive contribution towards the meeting of needs across the wider functional housing market area as required by NPPF paragraph 47 as articulated in Document TP2 (as subsequently superseded after submission by Document ED118);
- A consistent approach to published Green Belt Reviews and the consideration of matters surrounding the NPPF's 'exceptional circumstances' test where alterations to the Green Belt are proposed (as articulated by SBC in Document TP3);

- The commitment in Policy SP7(h) to work proactively with NHDC to ensure effective planning of developments adjoining the Borough, reiterated in Policies HO2 and HO3;
- The recognition in paragraph 8.4 of the Plan of preferred access arrangements to land north of Stevenage which would enable the coordinated development of adjoining land within NHDC;
- Policy IT2 which safeguards access corridors to land proposed to be removed from the Green Belt and safeguarded in NHDC's Proposed Submission Plan;
- The requirements, in Policies TC2, HO2, HO3 and HC9, for the provision of additional schools capacity; and
- The recognition in paragraph 15.3 of the Plan that "partnership working is key to successful delivery" with NHDC the first body identified "whose assistance or approval will be required to deliver the plan".

21. On this basis, NHDC are satisfied that SBC has demonstrated effective outcomes between the two authorities against the legal test of the Duty.

Appendices

Appendix 1 – Agreed Memorandum of Understanding between Stevenage Borough Council and North Hertfordshire District Council, December 2016

BILATERAL MEMORANDUM OF UNDERSTANDING

BETWEEN

STEVENAGE BOROUGH COUNCIL (SBC)

AND

NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC)

IN RESPECT OF

THE STEVENAGE BOROUGH LOCAL PLAN, SUBMISSION VERSION, JULY 2016

Summary

- NHDC and SBC agree that the draft Stevenage Borough Local Plan, July 2016 is sound insofar as it relates to matters covered by the Duty to Co-operate, and they will continue to work together to try to find solutions for the sites where there remains a disagreement over their allocation.
- 1.1 We, the undersigned, set out in this memorandum those matters of joint or strategic interest to both Authorities as they are dealt with in the Stevenage Borough Local Plan, Submission Version, July 2016 (hereinafter 'the plan' or 'the SBLP') in accordance with paragraph 181 of the National Planning Policy Framework, March 2012 (hereinafter 'the NPPF').
- 1.2 All matters where the two Authorities perceive that there is a joint strategic interest are detailed in this memorandum. Matters which are not considered to be of joint strategic interest are excluded.

Strategic issues

- 2.1 Paragraph 178 of the NPPF states that "public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities..."
- 2.2 Paragraph 156 states that the strategic priorities are strategic policies to deliver:
- "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 the provision of minerals and energy (including heat);
 - the provision of health, security, community and cultural infrastructure and other local facilities; and
 - climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape."

- 2.3 The two Authorities have held a number of Duty to Co-operate meetings at Member and Officer level over the last 5 years. Minutes of these meetings are set out, respectively, in Appendices A and B.
- 2.4 The two Authorities have also co-operated on joint evidence studies (Appendix C), which are available as Examination documents.
- 2.5 Both Authorities **agree** that in a strategic sense, in their view, the plan has been prepared in accordance with:
- the Duty to Co-operate,
 - legal requirements,
 - procedural requirements; and
 - that it is sound.
- 2.6 In respect of the latter, the Authorities **agree** that in a strategic sense the plan has been:
- positively prepared,
 - is justified,
 - is effective; and
 - is consistent with national policy.
- 2.7 There are still (a number of) issues that NHDC consider unsound but both Authorities **agree** they are not joint strategic matters.

Preamble

- 3.1 Stevenage Borough is tightly bounded, for the most part, by its administrative boundary and the Metropolitan Green Belt. The Borough is bounded on three sides (north, west and south) by NHDC. East Hertfordshire District Council lies to the east.
- 3.2 Stevenage Borough is intensely built-up. The urban area of the town exceeds the administrative area of the Borough in the northeast, where the suburbs of Great Ashby and Burleigh Park cross the boundary into North Hertfordshire.
- 3.3 Stevenage has its origins as a coaching stop on the Great North Road. Today, however, its history is dominated by the New Town, designated in 1946 with a planned ten-fold increase in population to 60,000 by 1980. The government-funded Development Corporation was wound-up in that year, whilst the town was well on its way to achieving a raised target of 80,000 population.
- 3.4 The Borough Council's ambitious plans to further expand the town beyond its administrative boundary (first in the Hertfordshire Structure Plan and then in the East of England Plan) created significant tensions between the two signatory bodies throughout the period 1994 - 2010.
- 3.5 However, since the Borough Council's Core Strategy was found unsound in 2011 and required to be withdrawn, the two councils have worked hard and consistently to

significantly improve their relationship. There has been joint work in a number of areas, including the establishment of housing numbers, job requirements, the extent of relevant housing and employment market areas, transport infrastructure and educational provision.

- 3.6 SBC and NHDC have worked constructively, actively and on an ongoing basis to maximise the effectiveness of their respective plans.

Detailed Memorandum

The detailed memorandum now follows, broadly in the order set out in paragraph 156 of the NPPF:

Homes

- 4.1 The strategic issue is to ensure that housing needs are calculated based on Housing Market Areas (HMAs), often covering more than one local authority area.
- 4.2 The NPPF (159) requires authorities to have a clear understanding of housing in their area and to prepare a Strategic Housing Market Area (SHMA) to assess full housing needs with neighbouring authorities where housing market areas cross administrative boundaries.
- 4.3 A joint study, in partnership with five other councils, identified HMAs for the partnership and surrounding areas in 2015. The partners **agreed** the relevant HMA geographies. During that year, and in 2016, the two councils published SHMA updates which calculated **agreed** Objectively Assessed Housing Needs (OAHN) across the 'best fit' HMA and for both constituent administrative Authority areas.
- 4.5 Both the Borough and the District Councils **agree** that a new settlement is not a reasonable alternative (in the meaning of the term) to meet any substantial proportion of OAHN for the period to 2031. A new settlement in northern Hertfordshire would not start delivering new homes until at least the end of the respective local plan periods - a site for a new settlement has not been promoted, identified or tested - and would require very significant public intervention to get started. Both Authorities agree that new settlement options should, however, be explored for the following plan period.
- 4.6 The two councils **agree** that the SBLP has made best use of brownfield Sites to meet the OAHN.
- 4.7 Both Authorities **agree** that the release of land from the inner edge of the Green Belt around Stevenage is necessary to meet OAHN and further, they agree that the necessary exceptional circumstances have been demonstrated to justify such release.
- 4.8 The two Authorities **agree** that the locations for new housing, including sites rolled back from the inner edge of the Green Belt, (in particular west and north of Stevenage, policies HO2 and HO3) are the best such sites available within the Borough boundary. Both signatories agree that development west and north of

Stevenage in North Hertfordshire District would be restricted without development first being agreed/implemented within the Stevenage Borough boundary.

4.9 Both parties **agree** that the SBLP makes provision for access corridors between allocated development sites within Stevenage Borough and potential adjacent development land in North Hertfordshire District.

4.10 The two councils also **agree** there should be coordinated master planning for the new housing developments to the west and the North of Stevenage to ensure that appropriate infrastructure provision is made, not least in highways/transportation, educational and community provision (including retailing).

4.11 The two councils recognise and **agree** the appropriateness of the Borough Council's aspirational homes strategy as a part of overall housing supply within Stevenage Borough.

Jobs

5.1 The strategic issue here is that Government guidance requires that employment needs should be calculated on the basis of Functional Economic Market Areas (FEMAs). These will often cover more than one local authority area. There is a need to determine both whether all objectively assessed employment needs (OAN) across a FEMA can be met within the FEMA; and also whether individual districts within the FEMA can meet their own OAN.

5.2 A Borough-wide Employment and Economy Baseline study was completed in 2013. This was followed by an SLAA in 2015 and a FEMA (produced jointly by the Borough and District Councils together with Central Bedfordshire Unitary Council), also in 2015. The partners **agreed** the relevant FEMA geography.

5.3 Given the under-bounded nature of Stevenage, the necessity of releasing significant land from the Green Belt in order to meet objectively assessed housing needs and the scale of the employment OAN, the two Authorities **agree** that Stevenage has a short-fall in its planned employment land supply to 2031.

5.4 Both councils **agree** about the appropriateness of the identification of the following sources of new employment land supply within Stevenage Borough: expansion of the Stevenage Bio-Science Catalyst (EC1/1); Gunnels Wood specialisation and densification (Policy EC1/2, EC1/3), land west of North road (Policy EC1/4), town centre offices (EC1/5), and land at west of Stevenage (Policy EC1/6).

5.5 Faced with a shortfall of employment land within the Borough boundary against the OAN, both councils **agree** that the proposed allocation of approximately 20 hectares of new employment land at Baldock in North Hertfordshire's emerging Local Plan provides an appropriate opportunity to address Stevenage's unmet requirements, either in whole or in part. This land at Baldock is within the core FEMA and it presents an opportunity to make good deficits elsewhere in the FEMA as well as contributing to North Hertfordshire's own identified needs. In the District Council's Preferred Options plan (2014) the site was proposed for partial release/

safeguarding. The District Council is now proposing the release of the whole site in the 2016 Publication version of the plan. In response to SBC representations.

- 5.5 Based upon projections and evidence at the time of submission, it is **agreed** that North Hertfordshire could contribute approximately 14 hectares from this site and that this would broadly balance Stevenage's currently identified unmet requirements. The two authorities **agree** to monitor their employment requirements on an ongoing basis as their respective plans progress.

Green Belt

- 6.1 Both councils recognise the importance of the purposes of the Green Belt, as set out in the NPPF, and also **agree** the need for the permanence of Green Belt boundaries it is now twelve years since the Green Belt boundaries around Stevenage were last amended [following review in the Hertfordshire Structure Plan, 1998, and the Stevenage District Plan 2nd Review, 2004].
- 6.2 The two councils **agree** that it is appropriate to review the inner Green Belt boundary around Stevenage in their respective local plans in line with the guidance within the NPPF. Both authorities have conducted Green Belt Reviews, which were completed independently, but used a similar methodology and produced compatible outcomes.
- 6.3 SBC and NHDC **agree** that the necessary exceptional circumstances to justify the release of Green Belt land within Stevenage Borough to meet OAHN have been demonstrated. This agreement has had regard to a number of issues including, but not necessarily limited to:
- Ensuring the consistency of the extent of the Green Belt with the need to meet the scale of OAHN within both authorities.
 - The need to promote sustainable patterns of development.
 - The findings of the Borough Council's Review of Green Belt.
 - The factors outlined in the Borough Council's Green Belt Technical Paper.
 - The demonstrated absence of sufficient suitable, available, and achievable land within the urban areas inside the Green Belt boundary of both Stevenage Borough and North Hertfordshire District; the towns and villages inset within the Green Belt; and locations beyond the outer Green Belt boundary in Stevenage and North Hertfordshire.
- 6.4 The two councils **agree** that the locations for new housing on sites rolled back from the inner edge of the Green Belt (North of Stevenage, policy H03) are the best sites available within the Borough boundary.
- 6.5 Both councils **agree** that it is appropriate for the District Council to draw a new inner Green Belt boundary around Stevenage in their new local plan, where Green Belt is rolled-back to the edge of the administrative borough. Both councils also **agree** that it may be appropriate for the District Council to create compensating Green Belt within the District, if they wish to do so, subject to appropriate justification.

Transport

- 7.1 Cross-boundary development is set within the context of shared infrastructure, including road and rail corridors. key junctions and access points.
- 7.2 Both councils are founder members of the Hertfordshire A1(M) Consortium. which has acted as a lobby group to secure the current Managed Motorway proposals between junctions 6 and 9 of the A1 (M). Both councils **agree** that a Managed Motorway is an appropriate short- to medium-term solution to the capacity constraints identified by Highways England on the A1(M). Both councils **agree** that a full-scale widening of the motorway will be the subject of further joint lobbying.
- 7.3 Both councils have, individually and jointly, undertaken transport modelling work through Hertfordshire County Council [SHUM, VVASHUP and COMET] to inform judgements as to the impact of developments proposed within their respective areas upon the local highways network. Both councils recognise the role of Hertfordshire County Council (HCC) as the Local Transport Body and **agree** that the 3 bodies have a shared responsibility to identify potential mitigation measures, for implementation by HCC, to alleviate any adverse impacts upon the local highways network created by planned new development.
- 7.4 Both councils **agree** with the proposals to regenerate Stevenage town centre, including the provision of new and remodelled/improved public transport provision.

Wastewater

- 8.1 NHDC participated in, and **agree** to the findings of, the Rye Meads Water Cycle Strategy Review, published by SBC in 2015.
- 8.2 The two councils recognise that the water catchment boundary between Anglian Water and Thames Water [and their respective regions of the Environment Agency] crosses the northwest corner of the Borough; with sewerage currently being pumped across the boundary from the Anglian catchment into the Thames catchment. Whilst this is a commercial decision for the two companies, the two councils **agree** that this is the best solution within the current legislative environment.
- 8.3 The two Authorities recognise that there is a capacity choke point at Watton-at-Stone in the wastewater pipeline to the Rye Meads wastewater Treatment Centre. However, Thames Water has identified a solution to the constraints that this imposes. Both councils **agree** that the current Thames Water proposals represent an appropriate way forward.

Health

- 9.1 The two councils **agree** that the Lister Hospital is a facility of sub-regional importance serving many people who reside outside the Borough. Both councils agree that, in principle, it is appropriate to make provision for the expansion of the hospital.

Community infrastructure

- 10.1 NHDC and SBC agree that the education strategy for Stevenage makes provision for the educational needs arising in the Borough in the future.

Historic environment

- 11.1 Both Authorities recognise the importance of the St Nicholas Conservation Area. and the context of the so-called 'Forster Country'. The two Councils agree that sensitive planning is necessary in this locality to facilitate much-needed development and associated infrastructure without causing substantial harm to identified heritage assets.

Development Management

- 12.1 Each Authority agrees that they will notify the other of any major planning applications. whether within its area or upon which it is consulted by another Authority, which would, in its view. have a significant impact on the strategic planning and development of Stevenage Borough and North Hertfordshire District.
- 12.2 The two Authorities agree that they will work to resolve cross-boundary issues arising from planning applications that are on. close to or cross the administrative boundary between the two Authorities or which are further afield but which have a strategic impact on the delivery of policy objectives within the combined Authorities' areas.

On-going liaison arrangements and dispute resolution

- 13.1 The two Authorities agree that they will hold regular (usually quarterly) minuted meetings. unless both parties consent to the cancellation of a meeting. in order to:
- monitor the preparation of planning policy documents in Stevenage Borough and North Hertfordshire District.
 - discuss strategic issues for both the pre- and post-2031 periods emerging from them or other sources,
 - agree joint actions on strategic issues wherever possible.
- 13.2 The two Authorities agree that they will seek to resolve all disputatious issues themselves, or, where issues cannot be resolved by themselves, that they will seek independent advice and/or arbitration in an attempt to resolve issues.




Councillor David Levett

Executive Member for Planning and
Enterprise

Signed on behalf of

North Hertfordshire District Council

15 December 2016



Councillor John Gardner

Deputy Leader. Environment and
Regeneration

Signed on behalf of

Stevenage Borough Council