

Stevenage Borough Local Plan

# Public Examination

Matter 1 Statement

December 2016



## Stevenage Borough Local Plan 2011 – 2031 - Public Examination

### Statement by Stevenage Borough Council (SBC)

#### Stage 1 Matter 1 - Legal Requirements and Overarching Matters

**NB: SBC responses set out in blue font**

**1. Overall, (a) 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?**

- 1.1 The Stevenage Borough Local Plan (SBLP) is in accordance with the relevant legal requirements, including Duty to Co-operate, as set out in Section 33A of the 2004 Act (as amended). SBC has engaged constructively and proactively with our neighbours, and beyond. The evidence set out in the Duty to Co-operate Statement, July 2016 (DtC Statement) ([SC1](#)), and its appendices demonstrate this.
- 1.2 The DtC Statement, submitted alongside the SBLP, demonstrates how SBC has co-operated with stakeholders and neighbouring authorities in order to investigate strategic priorities to deliver sustainable development as set out in the NPPF.
- 1.3 Since the publication of the DtC Statement, SBC have continued to undertake discussions with stakeholders and neighbouring authorities ([ED110](#)).
- 1.4 MoU's ([ED101-ED104](#), [ED108](#) and NHDC MoU in Appendix A<sup>1</sup>) and SoCG's ([ED116](#)) have been concluded with those bodies concerned with strategic matters. A MoU with Central Bedfordshire Council is at an advanced stage and we do not foresee any issues with it being agreed prior to examination.

**( c ) What has been the nature of the co- operation and on what issues?**

- 1.5 SBC identified, throughout the development of the SBLP, strategic planning priorities, with our stakeholders and neighbouring authorities, which have been the subject of co-operation throughout the plan-making process, by way of meetings, discussions, MoU's and SoCG's. Further details are contained in the DtC Statement ([SC1](#)) but broadly cover the following headings in the DtC Statement:
  - Housing (table 1, page 4);
  - Gypsy and Traveller Provision (table 2, page 12);
  - Employment (table 3, page 15);
  - Green Belt (table 4, page 20);
  - Retail (table 5, page 22);
  - Infrastructure and Transport (table 6, page 24);
  - Community Facilities (table 7, page 30);
  - Climate Change, Flooding and Pollution (table 8, page 35);

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<sup>1</sup> To be added to the Document Library

- The Natural Environment (table 9, page 38); and
- The Historic Environment (table 10, page 43).

1.6 SBC has also commissioned joint work with neighbouring authorities, including:

- the FEMA Study, Stevenage, North Hertfordshire and Central Bedfordshire Councils ([ER1](#)); and
- Housing Market Areas in Bedfordshire and surrounding areas ([HP1](#)), including Central Bedfordshire Council, Bedford Borough Council, Luton Borough Council, Milton Keynes Council, North Hertfordshire District Council, Stevenage Borough Council and Aylesbury Vale District Council.

These pieces of work are detailed in the DtC Statement and the strategic partners involved in the joint pieces of work are set out.

1.7 Being a two-tier authority, SBC liaises closely with Hertfordshire County Council (HCC), particularly in their capacity as Local Highways Authority and Local Education Authority.

***( d ) How is the planning work of the various planning authorities co-ordinated?***

1.8 SBC has also engaged in a number of County-wide groups and other organisations, the outputs of which have informed the context of the Plan.

1.9 These County-wide groups and organisations include:

- Hertfordshire Infrastructure Planning Partnership;
- Hertfordshire Planning Group (HPG) – Main;
- Hertfordshire Planning Group (HPG) – Development Plans;
- Hertfordshire Planning Group (HPG) – Landscape;
- Hertfordshire Economic Development Officers’ Group (HEDOG);
- GreenArc Strategic Infrastructure Plan
- Hertfordshire Strategic Employment Sites Study
- Transport Liaison Groups e.g. HIIS – Transport Technical Report;
- Hertfordshire A1(M) Consortium;
- East Coast Mainline Consortium of Authorities (ECMA). This includes all authorities situated along the East Coast Mainline (ECML). SBC was one of the founder members of this lobby group, which seeks to get further investment into the ECML;
- East West Rail Consortium (EWRC), a lobby group promoting the East West rail project (from Oxford to Cambridge); and
- The SBC Portfolio Holder for Environment has attended regular meetings held by the Greater London Authority (GLA), particularly in relation to the London Plan.

**2. Are the likely environmental, social and economic effects of the Plan adequately and accurately assessed in the (a) Habitats Regulations Assessments (HRA)?**

- 2.1 SBC undertook screening and has prepared a HRA Screening Opinion ([E4](#)) in May 2016. Para 1.15 of the Screening Opinion determined that 'the Local Plan for Stevenage is not likely to have a significant effect on a European Site, either alone or in combination'. As such, SBC conclude that the Screening Opinion has adequately and accurately assessed the environmental effects of the Plan and no further assessment is necessary unless modifications are made. The Screening Opinion has been agreed and signed off by Natural England (NE) and a MoU to this effect was concluded in June 2016 ([ED102](#)).
- 2.2 Para 4.5 of the Screening Opinion notes that there are no European Sites in the area covered by the SBLP nor within a 10km radius of the Borough boundary. There is one European Site (Lee Valley Special Protection Area (SPA)) outside the 10km radius of the Borough boundary adjacent to the Sewerage Treatment Works that serves Stevenage. The SPA is also a Ramsar site.

**(b) Sustainability Appraisals (SAs)? Does the SA test the Plan against all reasonable alternatives?**

- 2.3 The SA (July 2016) ([LP4](#)) has adequately and accurately assessed the likely environmental, social and economic effects of the Plan. Para 1.7 – 1.18 of the SA details how this has been achieved.
- 2.4 The SA tests the SBLP against all reasonable alternatives as required by para 182 of the NPPF which obliges a Council's plan to be '*the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence*'. Para 1.51 of the SA details the criteria against which reasonable alternatives were assessed.
- 2.5 The SA considers the issues and options that were identified during the First Consultation of the SBLP in June 2013. The options (reasonable alternatives) for each issue were then assessed and this is set out in summary form following each issue in chapter 9 of the SA.
- 2.6 There are no outstanding fundamental concerns regarding the SA process raised by representors.

**3. Is the Plan compliant with:**

**(a) the Local Development Scheme (LDS)?**

- 3.1 The LDS, June 2016 ([LPD1](#)) was agreed by the Executive at its meeting on 12 July 2016.
- 3.2 The dates set out in the LDS have been met. The SBLP and Proposals Map were publically consulted upon during January and February 2016. Following the publication consultation, SBC submitted the SBLP and Proposals Map in July 2016.

**(b) the Statement of Community Involvement (SCI)?**

- 3.3 The SBLP has been prepared in accordance with the SCI, May 2012 ([LPD6](#)) and all relevant regulatory requirements.
- 3.4 Our Regulation 22 consultation Statement ([LP7](#)) sets out the full summary of the consultation methods that were undertaken as part of the consultation process for the SBLP. The steps undertaken fully comply with the requirements of the SCI as set out in paragraphs 30, 32 and 47

**(c) the 2004 Act and the 2012 Regulations?**

- 3.5 The preparation of the SBLP has been in accordance with the 2004 Act and the 2012 Regulations as demonstrated by the Legal Compliance Checklist, July 2016 ([SC3](#)).

#### **4. Does the Plan provide effective outcomes in terms of cross boundary issues?**

- 4.1 SBC has worked closely with neighbouring authorities to ensure that the SBLP provides effective outcomes to cross boundary issues. This can be seen in our MoU's with our neighbouring authorities ([ED103-ED104](#), [ED108](#) and NHDC MoU in Appendix A<sup>2</sup>).
- 4.2 Joint work on strategic issues, particularly housing and employment, have led to cross-boundary issues being dealt with effectively and consistently.
- 4.3 Joint studies include the Strategic Housing Market Area of Stevenage and North Hertfordshire ([HP2](#)) and the Functional Economic Market Area (FEMA) evidence ([ER1](#)).
- 4.4 The SBLP provides an effective outcome for the Strategic Housing Market Area of Stevenage and North Hertfordshire<sup>3</sup>. The evidence ensured that the conclusions that were distilled into the SBLP were robust in nature for both SBC and NHDC.
- 4.5 The FEMA study assessed economic issues that crossed administrative boundaries with a view to reconciling and determining characteristics of the extent of the FEMA(s) that operated in the area. The FEMA study concluded that SBC had an OAN for employment land of a minimum of 30 hectares. SBC can only make provision for around 18.5 hectares within the Borough boundary. The Borough Council has been actively engaged in Duty-to-Co-operate discussions with other authorities in the A1(M) corridor/FEMA, to meet SBC's OAN employment land need (in the order of 11.5 hectares). This is set out in Matter Statement 2.
- 4.6 Where studies have been completed independently, largely due to differing timescales and/or stages in plan preparation, methodologies have been reviewed to ensure that there is compatibility across the studies and, consequently, results and outcomes have been shared and we have worked together to deliver objectives.
- 4.7 Due to the under-bounded nature of Stevenage Borough, the SBLP proposes development up to the edge of the Borough boundary. NHDC and EHDC, in their Reg 19 Local Plans have proposed development sites on the edge of Stevenage that adjoins some development sites in Stevenage. Whilst the sites are not joint allocations, SBC and its neighbouring authorities have worked and are continuing to work together to ensure a consistent approach that embraces New Town principles.

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<sup>2</sup> To be added to the Document Library

<sup>3</sup> Stevenage's OAHN has been updated and leads to an increase of 300 dwellings since the submission of the SBLP. SBC can meet this shortfall within the Borough boundary and do not require neighbouring authorities to meet this need.

Appendix A – MoU between Stevenage Borough Council and North Hertfordshire District Council



# **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 north-east, 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 on-going 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 co-ordinated 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 (OAEN) across a FEMA can be met within the FEMA; and also whether individual districts within the FEMA can meet their own OAEN.
- 5.2 A Borough-wide Employment and Economy Baseline study was completed in 2013. This was followed by a 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 short-fall of employment land within the Borough boundary against the OAEN, 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.

- 5.6 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 on-going 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 2<sup>nd</sup> 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 HO3) 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, WASHUP 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.

## Waste water

- 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 north west 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 waste water pipeline to the Rye Meads Wastewater Treatment Centre. However, Thames Water have 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 upon 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.



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Councillor David Levett

Executive Member for Planning and  
Enterprise

Signed on behalf of

**North Hertfordshire District Council**

**15 December 2016**



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Councillor John Gardner

Deputy Leader, Environment and  
Regeneration

Signed on behalf of

**Stevenage Borough Council**