Duty to Co-operate Statement: Elstree Way Corridor AAP

Planning and Compulsory Purchase Act 2004 Section 20 (7) as amended by Section 110(1) of the Localism Act 2011 - the Duty to Co-operate

1. Introduction

1.1 Local Councils are expected to address strategic issues relevant to their areas through the "duty to co-operate" set out in the Localism Act (2011) and described in the National Planning Policy Statement. Section 110 of the Localism Act sets out the new "duty to co-operate":

- Relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
- Requires that councils set out planning policies to address such issues
- Requires that councils and public bodies "engage constructively, actively and on an on-going basis to develop strategic policies; and,
- Requires councils to consider joint approaches to plan making

The 'Duty to Cooperate' Bodies;

Neighbouring Planning Authorities	National Health Service Commissioning Board
The Environment Agency	Office of Rail Regulation
English Heritage	Transport for London
Natural England	Integrated Transport Authority
Mayor of London	Highway authorities
Civil Aviation Authority	Marine Management Organisation.
Clinical Commissioning Groups	Homes and Communities Agency

1.2 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty. But local planning authorities and the public bodies that are subject to the duty must cooperate with Local Enterprise Partnerships and Local Nature Partnerships and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making. Local Enterprise Partnerships and Local Nature Partnerships are prescribed for this purpose in the Town and Country Planning (Local Planning (England) Regulations as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 to include Local Nature Partnerships.

1.3 This statement sets out how the relevant 'Duty to Co-operate' bodies have been, and will continue to be, involved in the evolution and implementation of the AAP. In doing so, the Council consider that this statement demonstrates that the Duty to Co-operate requirements have been fulfilled.

2. The Duty in respect of the Elstree Way Corridor Area Action Plan (EWCAAP)

2.1 The Borough Council do not believe that the EWCAAP, in itself, is a Local Plan that raises any significant strategic or cross-border issues. The principle of the development was tested through the Council's adopted Core Strategy, which was found sound by the appointed Inspector in December 2012 (Policy CS23).

2.2 The EWCAAP acts as framework for the implementation of Policy CS23, focussing on the overall configuration and design of development along the corridor. While there are elements which relate to areas outside the corridor, they are still local in nature and focussed within the boundary of Hertsmere borough (such as secondary school provision, wider transport implications). No issues were raised by neighbouring authorities during consultation on the EWCAAP, although the County Council (Hertfordshire County Council) were actively involved in the development of the plan, and will also be a key partner in its implementation, as both the highway authority and as a major landowner within the corridor.

2.3 The Council considered the potential strategic impacts of the EWCAAP, and involved all relevant duty to cooperate bodies. However, the following were not directly involved for the following reasons;

- Civil Aviation Authority - The maximum building heights fall below the 90m advice from the CAA. The maximum height set out in the EWCAAP is only 6 stories
- Office of Rail Regulation – The EWCAAP has no direct impact on the rail network, although to ensure no operational issues were of concern, Network Rail were consulted (Regulation 18 and 19)
- Transport for London – The EWCAAP is not within the proximity of the TfL road or rail network. The relevant bus service operator which is operated on behalf of the TfL in the borough ('Metroline') were consulted (Regulation 18 and 19)
- Integrated Transport Authority - The site does not fall under an ITA area
- Marine Management organisation – The site does not involve any issues relevant to the MMO

3. Co-operation on Early scoping of The EWCAAP

3.1 The Initial feasibility study undertaken by Colin Buchannan (DOC36) was informed through stakeholder workshops with the key delivery partners, including;

- Hertsmere Borough Council
- Hertfordshire PCT
- Hertfordshire County Council

3.2 Appendix A of the above document outlines how the above parties agreed the key parameters for the development of the EWCAAP.

3.2 The Local Enterprise Partnership (Hertfordshire LEP) has been involved in the EWCAAP by way of supporting the implementation of the plan, resulting in the LEP promoting the development of the EWC within their Strategic Economic Plan (throughout 2013, adopted March 2014; see DOC 44). This resulted in the enabling highway improvements being adopted as a LEP strategic priority - designated under 'Projects due to start in later years of the SEP period – with likely calls on later years of LGF'.

4. Co-operation on Draft EWCAAP (regulation 18 version)

4.1 The relevant duty to co-operate bodies (as justified in paragraph 2.3) were consulted at regulation 18 stage. The following made representations and such views were incorporated into the plan:

Hertfordshire County Council – Hertfordshire County Council held no objection to the plan, but requested further work on the design of the highways scheme, clarity on the relationship between CIL and s106 and further reference to biodiversity and SUDS. The plan was amended to provide further detail on these matters.

Sport England – Sport England held no objection to the plan, and offered advice for any future design of replacement community facilities in the area. As per Sport England's response, the Council agree this is a matter post adoption of the EWCAAP. The advice will be referred to as part of any development proposal.

Highways Agency – The Highways Agency held no objection to the EWCAAP, and sought assurance that any application for over 30 units would be subject to a transport assessment and travel plan (as per DfT circular 02/2007), and that pre-application discussions should be promoted. The Council require this as standard development management practice, and will engage with the HA on such matters in future.

Three Rivers District Council – Three Rivers reported that they had no comments to make

4.2 The Council has prepared a consultation summary which covers the above aspects in greater detail (DOC6). Following the closure of the consultation period, a public meeting was held in October 2013, which was jointly hosted by Hertsmere Borough Council and Hertfordshire County Council.

5. Co-operation on Draft EWCAAP (regulation 19 version)

5.1 The relevant duty to co-operate bodies (as justified in paragraph 2.3) were consulted at regulation 19 stage, the following of which made representations;

Hertfordshire County Council - Hertfordshire County Council made several comments that sought to improve the clarity of the plan. A Statement of Common Ground has been agreed to incorporate these points.

Environment Agency – The Environment Agency sought additional reference to environmental improvements and Sustainable Urban Drainage. A Statement of Common Ground has been agreed to incorporate these points

Natural England - Natural England sought greater reference in the plan to green infrastructure and protection of the natural environment. The proposed amendments set out in the Statement of Common Ground with the Environment Agency incorporate these views

English Heritage - English Heritage reported that they had no comments to make

NHS Hertfordshire – the NHS sought further clarity on the proposed delivery of the health facility. The Council consider this an implementation issue, and will engage with the NHS as proposals progress.

Sport England – Sport England supported the EWCAAP

6. Co-operation post Regulation 20

6.1 Following the end of the formal public consultation, HBC has worked with the County Council to agree some minor changes that would assist with the successful implementation of the plan – which should form the basis of the Statement of Common Ground by the end of July 2014.

6.2 The only change proposed is in respect of an improved highways scheme (DOC34).

7. Proposed Co-operation post adoption of the EWCAAP

7.1 The Council considers that on-going engagement will be key to implementing the EXCAAP; the Council will engage with interested parties as part of any development proposal that is made.

8. Conclusion

8.1 The Council considers that this statement demonstrates that there has been extensive engagement with a variety of bodies to which the duty to co-operate requirements relate. This has directly influenced the policy approach proposed in the AAP. In doing so, the Council consider that for the purposes of the Elstree Way Corridor AAP, the various duty to co-operate requirements have been fulfilled.