

**REPORT TO:** CABINET

**DATE:** 13 OCTOBER 2016

**TITLE:** MEMORANDUM OF UNDERSTANDING ON  
HIGHWAYS & TRANSPORTATION  
INFRASTRUCTURE FOR THE WEST  
ESSEX/EAST HERTFORDSHIRE HOUSING  
MARKET AREA

**PORTFOLIO HOLDER:** COUNCILLOR DANNY PURTON, PORTFOLIO  
HOLDER FOR ENVIRONMENT

**LEAD OFFICER(S):** GRAEME BLOOMER, HEAD OF PLACE  
SERVICES (01279) 446270

DIANNE COOPER, PLANNING AND  
BUILDING CONTROL MANAGER (01279)  
446595

**This is not a Key Decision**  
**Call-in Procedures may apply**  
**This decision will affect no ward specifically.**

**RECOMMENDED that CABINET:**

- A** Approves the draft Memorandum of Understanding (MoU) between East Hertfordshire District Council, Epping Forest District Council, Harlow Council, Uttlesford District Council, Essex County Council, Hertfordshire County Council and Highways England covering Highways and Transportation Infrastructure. (Appendix A).
- B** Delegates authority to the Chief Executive in consultation with the Portfolio Holder for Environment to approve any minor amendments to the draft Memorandum.
- C** Subject to B, the Chief Executive be authorised to sign the MoU in consultation with the Leader and the Portfolio Holder.

**REASON FOR DECISION**

- A** The MoU, once signed, will provide evidence that the four Local Authorities and the other parties named above are working together under the Duty to Cooperate (as defined by the Localism Act 2011) to support and manage planned growth. This evidence is required to help ensure that the Local Plan is found sound by the Inspector when it is submitted to the Secretary of State.

- B** This joint partnership working will facilitate delivery of planned strategic infrastructure to support sustainable development across the wider housing market area at the most appropriate times.

## **BACKGROUND**

1. This is one of three draft memoranda produced by the Duty to Cooperate (DtC) Board to signal and guide cooperation towards meeting in full the Objectively Assessed Housing Need (OAN) of the West Essex/East Hertfordshire Housing Market Area (HMA). This MoU concerns highway infrastructure. Once signed, the MoU takes immediate effect and will remain in place until adoption of the last of the West Essex/East Hertfordshire Local Plans. The MoU can be reviewed and amended if future circumstances dictate, subject to agreement between the DtC partners.
2. The MoU on Managing the impacts of growth on Epping Forest Special Area of Conservation (SAC) is dealt with in a separate Cabinet report.
3. The MoU covering the Distribution of the Objectively Assessed Housing Need for the four Local Authorities is being reconsidered in light of the Special Council resolutions of 31 August 2016.

## **KEY ISSUES**

4. The purpose of this MoU is to ensure that Essex County Council, Hertfordshire County Council and Highways England (supported by the West Essex/East Hertfordshire District Council), address the strategic highway issues identified through transport modelling to support the delivery of the enabling highways infrastructure schemes outlined in the MoU. This is to avoid objections being made to the Local Plans on the grounds that the strategic highway requirements, to support the delivery of growth, have not been addressed.
5. One of the key highway issues identified in the MoU is the improvements to the M11 which Council on 31 August agreed to support. Improvements to the A414, a second River Stort Crossing, improvements to Second and Third Avenues and multi-modal corridors across Harlow have also been identified as crucial to support the growth set out in Local Plans.
6. The MoU attached is in draft (Appendix 1) as there may be further refining of the proposals by the County Councils as detailed assessments are continuing on various options which would need to be reflected in the final MoU.

7. It is therefore recommended that Cabinet agree that minor amendments to this MoU can be approved by the Chief Executive in consultation with the Portfolio Holder for Environment.

## **IMPLICATIONS**

### **Place (includes Sustainability)**

The MoU is a key requirement to help ensure that the Local Plan is found sound and supports the delivery of sustainable development.

Author: **Graeme Bloomer, Head of Place**

### **Finance (Includes ICT)**

None specific.

Author: **Simon Freeman, Head of Finance**

### **Housing**

The MoU in ensuring the delivery of sustainable transport infrastructure supports the Corporate objective of more and better housing.

Author: **Andrew Murray, Head of Housing**

### **Community Wellbeing (includes Equalities and Social Inclusion)**

The provision of the transport infrastructure as outlined in this MoU will help the delivery of regeneration and will underpin the economic development case for investment in Harlow.

Author: **Jane Greer, Head of Community Wellbeing**

### **Governance (includes HR)**

Entering into the attached MoU will enable the Council to provide evidence towards its Duty to Cooperate obligations under the Localism Act 2011 when preparing its Local Plan.

Author: **Brian Keane, Head of Governance**

## **Background Papers and Documents**

The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended

<https://planningjungle.com/wp-content/uploads/SI-2016-No.-871-The-Town-and-Country-Planning-Local-Planning-England-Amendment-Regulations-2016.pdf>

in effect from 01.10.16

Planning and Compulsory Purchase Act, 2004

[www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

Localism Act 2011 [www.legislation.gov.uk/ukpga/2011/20/part/2/enacted](http://www.legislation.gov.uk/ukpga/2011/20/part/2/enacted)

Essex Highways Local Transport Plan, 2012

[www.essexhighways.org/Transport-and-Roads/Highway-Schemes-and-Developments/Local-Transport-Plan.aspx](http://www.essexhighways.org/Transport-and-Roads/Highway-Schemes-and-Developments/Local-Transport-Plan.aspx)

Hertfordshire Highways Local Transport Plan, 2011

[www.hertfordshire.gov.uk/services/transtreets/ltplive/#](http://www.hertfordshire.gov.uk/services/transtreets/ltplive/#)

Essex Joint Strategic Needs Assessment, 2011

<http://www.essexinsight.org.uk/Resource.aspx?ResourceID=299>

### **Glossary of terms/abbreviations used**

DtC – Duty to Cooperate - created in the Localism Act 2011 this places a legal duty on local planning authorities in England to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

HMA- Housing Market Area- A geographical area defined by household demand for all types of housing, reflecting the key functional linkages between places where people live and work

MoU- Memorandum of Understanding- an agreement between two or more parties outlining the terms and details of an understanding, including each parties' requirements and responsibilities.