

Memorandum of Understanding between the Royal Borough of Windsor and Maidenhead (RBWM) and Wycombe District Council (WDC) on Strategic Planning and the “Duty to Co-operate” on Planning Matters.

The Localism Act 2011 brings significant changes to strategic planning in England. Strategic planning remains an essential part of the planning system. The Act provides for a bottom up approach to strategic planning in a local area through the “duty to co-operate.”

The Act sets out that a local planning authority has a duty to co-operate by:

“engaging constructively, actively and on an on-going basis in the preparation of development plan and other documents and in activities that can reasonably be considered to prepare the way for the preparation of such documents for strategic matters.”

The requirements of the Localism Act are complemented by the guidance in paragraphs 178-181 of the National Planning Policy Framework (NPPF), although these are additional to those within the Act. The NPPF includes reference to local authorities considering agreements on joint approaches to the undertaking of activities and to considering whether to agree to prepare joint local development documents. The duty involves a continuous process of engagement from initial thinking through to implementation. It should result in meeting development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.

The Duty to Co-operate has become the first matter that is tested at a local plan examination. Failure to co-operate will result in delay and increased costs in bringing forward up to date local plans thereby increasing the risks at planning appeals.

In the light of the Duty to Co-operate, the Royal Borough of Windsor and Maidenhead (RBWM) and Wycombe District Council (WDC) have agreed this Memorandum of Understanding to identify areas and topics of common strategic concern.

The Memorandum of Understanding builds on long established joint working between local authorities and acknowledges where issues cannot be resolved by local authorities acting alone.

The following schedules identify the current position between the authorities, and also where further cooperation will be undertaken to seek resolution of outstanding matters.

Schedule A: Housing Market Areas and Functional Market Areas

RBWM

1. RBWM’s position is that functionally the whole of the Royal Borough lies within the Berkshire, and specifically the East Berkshire Housing Market Area and Functional Economic Market Areas. This is based on joint studies that have defined functional areas and applied a best fit to these

market areas based on plan making areas. These studies have been widely shared, including with WDC.

WDC

2. WDC's position is that functionally the whole of Wycombe District lies within the Buckinghamshire Housing Market Area and Functional Economic Market Areas. This is based on joint studies that have defined functional areas and applied a best fit to these market areas based on plan making areas. These studies have been widely shared, including with RBWM.

Agreement

It is agreed that Wycombe District and the Royal Borough of Windsor and Maidenhead lie in separate but adjoining Housing Market Areas and Functional Economic Market Areas.

Schedule B: Objectively Assessed Needs (OAN)

RBWM

1. RBWM's position is that projections have been prepared jointly on a sub-regional basis, to provide a robust evidence base of the requirements for new housing for the period 2013-33 and forecasts undertaken to provide a robust evidence base of the requirements for employment for the period 2013-33. These studies have been commissioned jointly by the Berkshire local authorities to cover the former Berkshire county housing market area and functional economic market area and have been widely shared, including with WDC.
2. In relation to housing, the latest evidence indicates that RBWM's OAN is 14, 298 dwellings in the plan period to 2033.
3. In relation to employment, WDC's position is that the need is 43,320 square metres of employment floorspace, and up to 9,550 square metres of additional retail floor space in the plan period to 2033.

WDC

4. WDC's position is that projections have been prepared jointly on a sub-regional basis, to provide a robust evidence base of the requirements for new housing for the period 2013-33 and forecasts undertaken to provide a robust evidence base of the requirements for employment for the period 2013-33. These studies have been commissioned jointly by the Buckinghamshire district councils to cover the Buckinghamshire housing market area and functional economic market area and have been widely shared, including with RBWM.
5. In relation to housing, the latest evidence indicates that WDC's OAN is 12,900 dwellings (2013-33).

6. In relation to employment, WDC's position is that the need is 54,000 sq metres of business floorspace, split between 68,000 sq metres of B1a/b use classes, 34,000 sq metres of B8 (2013-33) and minus 48,000 sq metres of B1c/B2. Forecasts for additional retail floorspace are currently being updated.

Agreement

RBWM and WDC will keep each other informed of any changes to their respective OANs for housing and employment.

Schedule C: Unmet Housing Need

RBWM

1. RBWM's position is that the Borough Local Plan will allocate sites to satisfy 100% of the Borough's OAN for housing.

WDC

2. WDC's position is that through discussions with the other authorities in their HMA and FEMA (Aylesbury Vale District Council, Chiltern District Council and South Bucks District Council) there is a Duty to Co-operate Agreement that in principle agrees that the unmet needs of the constrained south of the County will be planned for in the emerging Vale of Aylesbury Local Plan. As of 8th December 2016, WDC has a more detailed agreement that the identified unmet housing needs in Wycombe District of 1,700 dwellings will be accommodated in Aylesbury Vale district. As such, WDC is not seeking any of its unmet housing needs to be met in RBWM's emerging Local Plan, but will need to keep this under review.

Agreement

That neither authority is requesting the other authority to accommodate unmet housing needs.

Schedule D: Unmet Need for Employment and Retail Floorspace

RBWM

1. RBWM's position is that the Borough Local Plan will allocate sites to satisfy 100% of the Borough's OAN for employment and retail floorspace.

WDC

2. WDC's position is that it is likely to have some unmet need in relation to employment and retail floorspace provision and is exploring how this might be addressed within the Buckinghamshire Functional Economic Market Area.

Agreement

The authorities will inform each other of the amount of any unmet need in employment and retail floor space required in the plan period, and will explore jointly how this need may be met, initially seeking to accommodate it within their respective functional economic market area.

Schedule E: Green Belt

RBWM

1. RBWM has prepared an Edge of Settlement Study, in two parts, which provides criteria for the categorisation of potential development sites in terms of their contribution to the objectives of the Green Belt. This study is a key element of the evidence base for the selection of sites for allocation in the Borough Local Plan (BLP).

WDC

2. WDC's position is that it has undertaken a Green Belt review in two stages. The first part was a Bucks-wide assessment undertaken by Arup and commissioned by the four Bucks districts including WDC, and Bucks County Council. The second part took forward recommendations from the Part 1 assessment and other potential options.

Agreement

Whilst there may be differences in the detailed approach to the respective Green Belt reviews, the authorities do not dispute the findings of each other's Green Belt review.

Schedule F: Provision for Travellers

RBWM

1. RBWM is in the process of commissioning a Gypsy and Traveller Accommodation Assessment prior to the preparation of a Gypsy and Travellers Local Plan which will follow adoption of the Borough Local Plan and take account of the recent Government changes in definitions. RBWM expects to accommodate its needs for travellers within the Royal Borough.

WDC

2. WDC's position is that it has jointly undertaken an assessment of the needs of travellers with the other Buckinghamshire districts. This has recently been updated to take account of the national changes in the definitions of travellers. WDC has consulted on different approaches and sites to meet this need. WDC expects to accommodate its needs for travellers within Wycombe District

Agreement

That neither authority is requesting the other authority to accommodate unmet needs for travellers.

Schedule G: Strategic Transport Issues

RBWM

1. RBWM has commissioned new transport modelling which will assess the impact of planned development to 2033. The outputs of this exercise will identify where further investment may be necessary to alleviate the detrimental effects of proposed development location within the plan period.
2. RBWM is aware of concerns relating to the A404 and Bisham Junction and will cooperate with WDC and other appropriate agencies to seek improvements.
3. RBWM will continue to pursue improvements to the Maidenhead to Marlow line via Bourne End.

WDC

4. WDC's position is that it has undertaken and published transport modelling assessments of the impact of potential growth in Wycombe District and that further work is being undertaken prior to the publication of the Local Plan including identification of appropriate mitigation work. This includes provision in relation to potential housing growth at Bourne End.
5. WDC, Bucks County Council and the Bucks Thames Valley Local Economic Partnership have submitted a funding bid to Highways England for improvements to access to Globe Park Business Park at Marlow. This includes improvements to the Westhorpe Junction which could assist with improving flows on the A404 itself.
6. WDC wishes to see improvements to the Bisham Junction on the A404, both to assist with improving flows on the A404 and to reduce the relative attractiveness of Cookham Bridge which is used as an alternative. WDC understands that Bisham is a Highways England rather than RBWM responsibility.
7. WDC wishes to improve rail connections to the Thames Valley by investigating the scope to reopen the former High Wycombe to Bourne End railway line for rail use, thereby closing the strategic rail gap between the Thames Valley and the south east Midlands – ie to connect to both the Elizabeth Line and East West Rail.

Agreement

RBWM and WDC agree to cooperate on matters concerning strategic transport networks which affect both local authorities and to consult on policies and proposals that affect the strategic network or which have cross boundary impacts. Working with Highways England, Bucks County Council and relevant rail companies, this will include seeking longer term strategic solutions to address:

- a. Congestion issues on the A404 including at the Bisham roundabout
- b. Congestion related to Cookham Bridge

- c. Rail connectivity between High Wycombe, Bourne End and the Thames valley.

Schedule H: Flooding

RBWM

1. RBWM has commissioned Level 1 and 2 assessments from consultants WSP, and these are being finalised on the basis of sites allocated in the draft Borough Local Plan. Any relevant implications of these studies will be shared fully with WDC.

WDC

2. WDC's position is that it has undertaken a Strategic Flood Risk Assessment (SFRA) and is currently undertaking a Level 2 assessment which includes modelling to take account of the latest climate change allowances.

Agreement

RBWM and WDC agree to cooperate on matters concerning strategic flooding issues which affect both local authorities and to consult on policies and proposals that affect significant flooding risk or which have cross boundary impacts.

This Memorandum of Understanding provides a framework for joint working between RBWM and WDC. It allows refined Agreements to be agreed between individual authorities/infrastructure providers on specific areas where they consider it appropriate.

Signed:



Derek Wilson

Cabinet Member for Planning

Royal Borough of Windsor and Maidenhead

Signed:



David Johncock

Cabinet Member for Planning and Sustainability

Wycombe District Council

13th February 2017