

Classification: OFFICIAL

Duty to Cooperate Memorandum of Understanding between South Oxfordshire District Council and Wycombe District Council (“the Councils”)

September 2017

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 Cooperate, South Oxfordshire District Council (SODC) and Wycombe (WDC) District Council 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, where agreement has been reached, and also where further cooperation will be undertaken to seek resolution of outstanding matters. This Memorandum of Understanding will be updated as necessary and updates can be sought at the request of either of the signatory authorities.

Schedule A: Housing Market Areas and Functional Economic Market Areas

SODC

1. SODC position is that it lies within the Oxfordshire Housing Market Area, as identified in the 2014 Oxfordshire SHMA. The SHMA was jointly commissioned and accepted by all Oxfordshire authorities.

WDC

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

Agreement

It is agreed that Wycombe District and South Oxfordshire lie in separate but adjoining Housing Market Areas and Functional Economic Market Areas.

Schedule B: Unmet Needs

SODC

1. SODC position is that it has identified a housing requirement of 17,050 and that it will meet its own objectively assessed needs. In addition SODC is planning to help meet some of Oxford City's unmet housing needs, having consulted on a contribution of 3750 homes. The draft local plan strategy seeks to deliver this requirement within the District and SODC is not seeking to accommodate any unmet needs from any authorities outside the District.
2. SODC's Employment Land Review (2017) assessed that between 33.2 and 35.9 hectares of employment land would be needed within the Plan period. SODC is aiming to identify a total of 37.2 hectares of employment land. Of this, over 11.5 hectares have already been allocated with the remainder identified at Chalgrove, Culham and Berinsfield (through strategic allocations) and in the towns of Henley, Thame and Wallingford with locations to be further detailed through Neighbourhood Development Plans. SODC does not anticipate that there will be a need to seek to meet needs for any additional employment land outside the District.

WDC

3. WDC 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 13th July 2017 WDC has a more detailed agreement that the identified unmet housing needs in Wycombe District of 2275 will be accommodated in Aylesbury Vale District. As such WDC are not seeking any of their unmet housing needs to be met in SODC emerging plan but will need to keep this under review.

4. Regarding employment and retail floorspace provision, the overall approach by the Buckinghamshire planning authorities across the Bucks Functional Economic Market Area broadly delivers sufficient land for economic growth taking into account a range of factors including an element of redistribution of growth from the three southern districts into Aylesbury Vale to take account of their shortfalls due to their constrained nature. It is recognised however that the nature of retail development is such that it cannot be 'exported' to a neighbouring authority because retail catchments are generally on a smaller geographical scale to housing and the needs for B class employment.

Agreement

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

Schedule C: Strategic transport issues:

Traffic forecasting work is being undertaken by both authorities in association with their respective Highway Authorities (Oxfordshire County Council and Buckinghamshire County Council), to assess the impacts of growth on the road network. Forecasting work for Oxfordshire is being modelled by Atkins using SATURN, while forecasting work for Buckinghamshire is being modelled by Jacobs using the VISUM platform. It has been agreed that given the way the models are set up it would be difficult to use them to test the impact of growth in surrounding districts/ Counties in any detail, but forecast demand traffic flows on key cross-border routes can be exchanged.

SODC

1. SODC position is that it has concerns about traffic flows into the District resulting from the major expansion of Princes Risborough. Forecasting reports provided by WDC indicate that these flows are not of a scale to present a soundness issue but SODC welcome further joint working to resolve any issues. The results of modelling SODC's preferred option for growth are yet to be finalised but the latest reports show localised impacts upon traffic flow, for which mitigation is being tested. It is unlikely that there will be any significant cross boarder impacts in Buckinghamshire, but we will continue to share our evidence and proactively work together to manage any potential impacts that could arise.

WDC

2. WDC and the other authorities in Buckinghamshire have worked together to prepare traffic forecasts of the overall growth scenarios across the county (county-wide modelling). In addition, WDC has commissioned more detailed work on the specific impacts of the potential major expansion at Princes Risborough and how it is mitigated by the provision of major new road infrastructure. At this time the Buckinghamshire county-wide modelling is showing limited additional flows into South Oxfordshire as a result of growth in Wycombe District. As far as SODC's plans are concerned we are happy to work together as their plan progresses.

Agreement

3. SODC 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. The exchange of cross-border flows will allow authorities to assess potential impacts on their respective road networks through more detailed junction modelling where necessary. Should these impacts require mitigation then the authorities commit to work together on the identification and delivery of appropriate interventions. This could be through a multi-authority project group including the respective Highway Authorities.

Schedule D: Other strategic matters

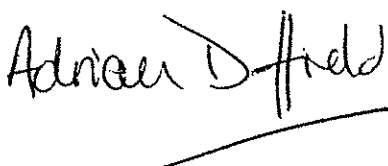
Agreement

1. SODC and WDC agree to cooperate on matters concerning any other strategic issues which affect both local authorities and to consult on policies and proposals that have cross boundary impacts. These might include landscape and visual impact. At the time of signing, no other significant issues have been identified.
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This Memorandum of Understanding provides a framework for joint working between SODC and WDC. It allows refined Agreements to be agreed between individual authorities/infrastructure providers on specific areas where they consider it appropriate. At the time of signing, both authorities agree that they are complying with the Duty to Cooperate.

It is not a legally binding document but a document through which authorities have agreed an approach to work together on shared planning principles to assist in the preparation of their respective Local Plans.

Signed by the following Council representatives

Signature: 

Name: Adrian Duffield. Head of Planning

For South Oxfordshire District Council

Signature: 

Name: Penelope Tollitt, Head of Planning and Sustainability

For Wycombe District Council

Agreement Dated – 06 September 2017

