

Classification: OFFICIAL

Duty to Cooperate Memorandum of Understanding between South Oxfordshire District Council, Wycombe District Council, Aylesbury Vale District Council, Oxfordshire County Council and Buckinghamshire County Council (“the Councils”)

Introduction/ Context

1. 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.”*

2. 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 states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic matters such as the provision of infrastructure for transport. 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 reasonable to do so and consistent with achieving sustainable development. 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.
3. 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.

4. In the light of the Duty to Cooperate, the Councils have agreed this memorandum of understanding to set out a jointly agreed position on cross-boundary transport matters affecting the area around the Oxfordshire/Buckinghamshire border where Aylesbury Vale, South Oxfordshire and Wycombe Districts come together. Cross-boundary transport matters elsewhere are the subject of separate agreements.
5. 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.
6. The following section identifies 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 any of the signatory authorities.

Strategic transport matters

7. Traffic forecasting work is continuing to be undertaken by South Oxfordshire District Council (SODC), Aylesbury Vale District Council (AVDC) and Wycombe District Council (WDC) in association with their respective Highway Authorities (Oxfordshire County Council (OCC) and Buckinghamshire County Council (BCC)), 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.

South Oxfordshire District Council (SODC)

8. The SODC position is that it has concerns related to forecast increased traffic flows into the District resulting from growth in Buckinghamshire that it considers will likely require further more detailed work, including the major expansion of Princes Risborough and development planned for the Haddenham area. 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.
9. The results of traffic modelling undertaken to test committed and planned South Oxfordshire growth through use of the Oxfordshire Strategic Model

(OSM) are set out in the Evaluation of Transport Impact: Stage 1 and Stage 2 reports, dated March and September 2017 respectively. The results of the modelling work undertaken shows that impacts of the planned growth are mainly concentrated in the Oxfordshire area, and that cross border impacts in terms of traffic flows and congestion on Buckinghamshire roads are forecast to be relatively limited. However, it is recognised the OSM has not been developed in detail in this area and that the quantum and level of growth in certain locations close to Buckinghamshire such as Thame is proposed to be identified through the Neighbourhood Plan process. There will therefore need to be continued on-going review of potential cross border impacts and possible mitigation. This will include additional more detailed work such as that carried out through the development management process in support of new sites.

Oxfordshire County Council (OCC)

10. OCC has been working with SODC to assess the transport impacts of proposed development growth in the emerging South Oxfordshire Local Plan 2033, using the Oxfordshire Transport Model (OSM). The evaluation of appropriate mitigation measures in response to the evaluation of transport impacts (ETI) is ongoing.
11. Future growth is proposed through SODC's Local Plan 2033 in areas close to the Buckinghamshire border, such as Thame. OSM covers Oxfordshire, with the outer limits of the County being outside the area of detailed modelling, meaning that assessment is less reliable in these locations. However, the results indicate that there are network capacity issues around the A418/ A4129 / B4011 roundabout in Thame. OCC is keen to continue to work with all Councils party to this agreement to fully assess the impacts of this and the appropriate mitigation. Proposals will also be further refined and assessed through the Neighbourhood Plan process.
12. OCC has previously commented on the pre-submission draft of the Vale of Aylesbury District Council Local Plan. Future work between the relevant councils will assess the impacts of proposed growth, identify and cost mitigation measures and identify necessary funding for their delivery.
13. OCC has previously commented on the pre-submission draft of the Wycombe Local Plan. The plan includes proposals for the expansion of Princes Risborough by 2,650 homes, 2,050 within the plan period. Future work between the relevant councils will assess the impacts of this proposal on the highway network within Oxfordshire, identify and cost mitigation measures, and identify necessary funding for their delivery.

Wycombe District Council (WDC)

14. All the authorities in Buckinghamshire (the County Council and the four Local Planning Authorities) 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. WDC are happy to work with all authorities on cross-boundary transport issues and jointly develop an equitable approach to their resolution. This is likely to be through the development of a supplementary planning document (and its associated evidence base) and/or the development management process.

Aylesbury Vale District Council (AVDC)

15. All the authorities in Buckinghamshire (the County Council and the four Local Planning Authorities) have worked together to prepare traffic forecasts of the overall growth scenarios across the county (county-wide modelling). AVDC's position is that increases in demand flow are observed on the approaches to the Thame Roundabout from the A418, A416 and on Aylesbury Rd both in and out of Thame town centre in the AM peak. Generally there is a small reduction in demand flow in the PM peak.

16. AVDC is committed to cooperating with SODC in commissioning further modelling work to better understand the impacts of the levels of proposed Local Plan development at SODC, AVDC and WDC. This will involve, where relevant, development management dialogue and consultation on relevant schemes. Any recommendations that are derived as a result of the modelling work will also be considered and further dialogue between SODC, AVDC and WDC along with BCC and OCC will determine the work programme and any necessary scheme development.

Buckinghamshire County Council (BCC)

17. All the authorities in Buckinghamshire (the County Council and the four Local Planning Authorities) have worked together to prepare traffic forecasts of the overall growth scenarios across the county (county-wide modelling). The current Countywide Modelling shows that the main impact of growth in Buckinghamshire on South Oxfordshire is around Thame Roundabout. BCC

will work with the Councils where appropriate to understand what mitigation measures might be required.

Agreement from all parties

18. The Councils agree to cooperate on matters concerning strategic transport networks which affect these 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 drawing from each of the Councils, the sharing of relevant more detailed information on the forecast transport impact of development, co-ordinated bidding for funding and discussions on likely developer contributions. Based on current evidence, the following areas of study and actions are proposed. This is not a definitive list and other areas of study may arise. Where additional highway capacity tests are required as a result of predicted cross border flows the lead authority arranging the tests shall be that from which the flow originates.

Location/ issue	Proposed actions
A418/ A4129/ B4011 Thame Roundabout Junction. OSM local plan test has forecast that the A418 link from Aylesbury direction would be operating at capacity in the AM peak 2031 forecast year. BCC modelling has shown an increase in traffic demand accessing this junction in the AM Peak future year test.	Need to test junction operation in more detail as proposed development becomes more certain.
B4009 route between Princes Risborough- Chinnor and M40. Transport Modelling for Princes Risborough has forecast an increase in cross border traffic flows on this route.	May need to test the operation of key junctions on this route in more detail as proposed development becomes more certain.
Proposed cycle link between Thame and Haddenham via Haddenham and Thame Parkway Station.	OCC and BCC to continue to liaise on the feasibility and funding for this proposed link.

Proposed increase in frequency of 280 bus service between Thame and Aylesbury.	OCC and BCC to continue to liaise with Arriva Travel on the feasibility and funding for this improvement.
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19. The councils also commit to continue to co-operate on other matters that may arise that lead to changes or impacts in cross border transport flows.
20. The councils acknowledge that central government has committed to progressing development of two major transport schemes - East-West rail and the Oxford-Cambridge Expressway - that may have significant impacts on transport flows in the area. However, it is currently too early to understand impacts and/or their relationship to planned development, and therefore there will need to be on-going liaison between the parties represented in this MoU as these schemes and their associated evidence base work are further progressed. This will be of particular importance to the Oxfordshire Joint Statutory Spatial Plan and Local Plan reviews in order to support any future development strategy decision making.
21. The councils further acknowledge that they have a duty to co-operate with Natural England, and a legal duty to carry out a Habitat Regulations Assessment in support of their local plans. This work had identified that there is a Special Area of Conservation (SAC) at Aston Rowant (on the South Oxfordshire/ Wycombe District border) that could be impacted upon by Oxon/ Bucks cross border traffic flows. For South Oxfordshire, an Appropriate Assessment was undertaken which found that whilst the combined effects of growth could increase NOx concentrations in the area, the increases are considered unlikely to have an adverse effect on the qualifying features based on long-term trends and past monitoring at the SAC. As such it is concluded that the in-combination effects of planned growth would not result in an adverse effect on the integrity of the Aston Rowant SAC. For Wycombe District Council, the HRA work concluded that based on the traffic modelling work undertaken to support the local plan, there would be no likely significant effect on the SAC in relation to increased pollution due to forecast traffic increase on this road.

Conclusion

22. This Memorandum of Understanding provides a framework for joint working between the Councils. 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, all authorities agree that they are complying with the Duty to Cooperate.

23. 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 Local Plans and infrastructure delivery.

Signed by the following Council representatives:

Signature



Name: Holly Jones

For South Oxfordshire District Council

Signature



Name: David Johncock

For Wycombe District Council

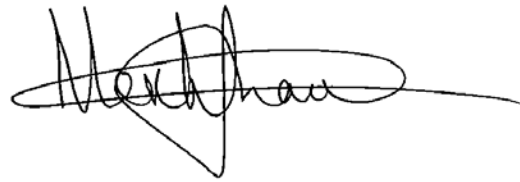
Signature



Name: Carole Pasternoster

For Aylesbury Vale District Council

Signature



Name: Mark Shaw

For Buckinghamshire County Council

Signature



Name: Sue Halliwell

For Oxfordshire County Council

Agreement Dated – **26 02 2018**