

**Duty to Cooperate Memorandum of Understanding (MoU) between Wycombe District Council (WDC) and Slough Borough Council (SBC) in relation to the Wycombe District Local Plan.**

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, Wycombe District Council (WDC) and Slough Borough Council have agreed this Memorandum of Understanding to identify areas and topics of common strategic concern.

The Memorandum of Understanding builds on 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. 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**

### **WDC**

1. WDC's position is that functionally the whole of Wycombe District lies within the Buckinghamshire Housing Market Area and Functional Economic Market Area, and that the Buckinghamshire Housing Market Area and Functional Economic Market Areas on a best fit basis to plan areas consist of Aylesbury Vale, Chiltern, South Bucks and Wycombe District 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 SBC.

### **SBC**

2. SBC's position is that in defining Housing Market Areas using the "best fit" for plan making areas should not be used as the only basis for carrying out strategic planning in Buckinghamshire and plan making should also consider the actual geography and functional areas that have been identified.
3. SBCs view is that Slough is within the best fit Eastern Berkshire Housing Market Area with Windsor and Maidenhead and South Bucks, and identified in the Berkshire (with South Bucks) SHMA 2016.

### **Agreement**

It is agreed that

1. Wycombe District and Slough Borough lie in separate but adjoining Housing Market Areas and Functional Economic Market Areas based on a best fit on either local authority or plan areas.
2. The Bucks HMA and FEMA Updating the evidence report (June 2016) shows that Wycombe District is in a separate but adjoining functional HMA and FEMA to Slough Borough.
3. The Bucks HMA and FEMA updating the evidence report (June 2016) shows the south eastern part of South Bucks has a functional relationship with Slough Borough.

## **Schedule B: Objectively Assessed Housing and Employment Land Needs (OAN)**

### **WDC**

1. WDC's position is that projections have been prepared jointly for the Bucks Housing Market Area 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 SBC.
2. In relation to housing, the latest evidence, as set out in the Bucks HEDNA Addendum September 2017) indicates that WDC's housing OAN is 13,200 dwellings (2013-33). WDC intend to submit their Plan for examination before 31<sup>st</sup> March 2018 to ensure that the Plan is examined on the basis of the housing OAN set out in the HEDNA Addendum and not on the basis of the Government's new methodology for calculating housing OAN (currently published in draft form for consultation).
3. In relation to employment, WDC's position is that the HEDNA (Dec 2016) forecasts demand for an additional 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. The HEDNA Addendum (Sept 2017) however notes that there is a mismatch between these forecasts and market intelligence indicating a lack of demand for B use classes, particularly B1a office.

### **SBC**

4. SBC's position is that it has no objection to the Wycombe Local Plan being considered on the basis of the Objectively Assessed Housing Needs and Employment Needs set out in the Plan.

### **Agreement**

SBC and WDC will keep each other informed of any changes to their respective housing OANs and employment land forecasts.

## **Schedule C: Unmet Housing and Employment Land Need**

### **WDC**

1. WDC's position is that they have undertaken a thorough review of the potential to meet its housing needs, including joint work with the other Bucks authorities on a Green Belt review, a major expansion of Princes Risborough (a small market town), identification of sites for development within the AONB, release of existing reserve sites as well as optimising brownfield development within urban areas. The Sustainability Appraisal report (September 2017) identifies that all reasonable alternatives have been considered in arriving at the assessment of the capacity of the District.
2. Through discussions with the other district councils in the HMA and FEMA (Aylesbury Vale District Council, Chiltern District Council and South Bucks District Council) and the Bucks Thames Valley LEP there is a Memorandum of Understanding (13<sup>th</sup> July 2017) that agrees that the unmet needs of the constrained south of the County will be planned for in the emerging Vale of Aylesbury Local Plan.
3. In relation to housing the MoU agrees that 2,275 dwellings of unmet housing need arising from Wycombe District will be accommodated in the Vale of Aylesbury Local Plan.
4. In relation to employment land, the MoU recognises that whilst there is a deficit of employment land supply against the forecasts in Wycombe District the overall approach across the FEMA 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.
5. Given the above position WDC is not seeking any of its unmet housing needs to be met in SBC's emerging Local Plan.

### **SBC**

6. SBC's position is that it has no objection to Wycombe exporting 2,275 houses to Aylesbury Vale on the basis that they are in the same "functional" Housing Market Area. SBC accepts that Wycombe is unable to accommodate any of Slough's unmet housing needs.

### **Agreement**

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

## **Schedule D: Affordable Housing**

### **WDC**

1. WDC's position is that the Bucks HEDNA Addendum (Sept 2017) identifies a need for 3,100 affordable homes over the plan period 2013-33. The Wycombe HELAA (Sept 2017) identifies the potential supply of affordable housing based on the proposed level of housing provision and detailed sites set out in the Pre-Submission (Regulation 19) Plan and on the proposed affordable housing level in the Plan.
2. The HELAA indicates that there is a potential supply of affordable housing of 3,065 affordable homes over the plan period 2013-33, which almost meets the affordable housing need identified in the HEDNA Addendum.
3. The Bucks-wide Memorandum of Understanding (13<sup>th</sup> July 2017) indicates that it is agreed between the Bucks districts and the Bucks Thames Valley LEP that the level of affordable housing expected to be secured as part of the overall unmet housing need [to be accommodated in Aylesbury Vale district] should contribute to meeting the relevant affordable housing needs of Wycombe and Chiltern and South Bucks, and that Aylesbury Vale District Council, working with Wycombe, Chiltern and South Bucks district councils, will enter into joint working arrangements that will aim to allow residents to have access to an appropriate element of affordable housing to be provided within housing developments in Aylesbury Vale District.
4. WDC's position is that, recognising that there could be a small shortfall of affordable housing supply in Wycombe District, the Bucks-wide MOU makes adequate provision to address this issue within the Housing Market Area.

### **SBC**

5. SBC's position is that it has no objection to a small element of Wycombe's affordable housing needs being met within Aylesbury Vale, which is within the same "functional" Housing Market Area, provided suitable nomination rights are obtained to allow Wycombe residents access to this housing.

### **Agreement**

It is agreed that WDC has made adequate provision to meet its affordable housing needs within the District and the "functional" Housing Market Area.

## **Schedule E: Provision for Travellers**

### **WDC**

1. WDC's position is that it has jointly undertaken an assessment of the needs of travellers (including travelling showpeople) with the other Buckinghamshire districts. This has recently been updated to take account of the national changes in the definitions of travellers. WDC expects to accommodate its needs for travellers (including travelling showpeople) within Wycombe District.

### **SBC**

2. SBC's position is that it has not completed a recent Travellers Needs assessment, and supports the principle of WDC accommodating its needs within Wycombe District.

### **Agreement**

That neither authority is requesting the other authority to accommodate unmet needs for travellers (including travelling showpeople).

## **Schedule F: Northern Expansion of Slough/Slough Unmet Needs**

**SBCs** position is that it is unable to meet its housing needs in full within its urban area and is working with its neighbours to address its shortfall as close to where it arises as possible within the Eastern Berkshire Housing Market Area. This includes a growth study and testing options to release land designated as Green Belt on land within and outside the SBC Local Plan area.

WDC's position is that the options to meet the unmet needs of Slough need to be fully tested before determining the best option(s) but as agreed above there is no scope for Wycombe to accommodate unmet needs from Slough. WDC would wish to be involved in any growth study. The Bucks local authorities and Bucks Thames Valley LEP have agreed a position statement in relation to the Slough Local Plan entitled "Buckinghamshire Local Planning Authorities and Bucks Thames Valley LEP Duty to Co-operate Position Statement in relation to Slough Borough Councils' Emerging Slough Local Plan – June 2017".

### **Agreement**

That there is a need for ongoing cooperation between the two authorities with regard to any growth study concerning the unmet needs of Slough.

## **Schedule G: Other Issues**

### **Agreement**

It is agreed that there are no other strategic issues between the two authorities and that Wycombe District Council has complied with the Duty to Co-operate on strategic issues in relation to the Wycombe District Local Plan.

**Signed:**

A handwritten signature in black ink, appearing to read 'D. Johncock', with a long diagonal stroke extending downwards and to the right.

**Cllr David Johncock**

**Cabinet Member for Planning and  
Sustainability**

**Wycombe District Council**

**Signed:**

A handwritten signature in black ink, appearing to read 'M. Carter', written in a cursive style.

**Cllr Martin Carter**

**Cabinet Member for Planning and  
Transport**

**Slough Borough Council**

**16<sup>th</sup> March 2018**