

Memorandum of Understanding (MoU) between Aylesbury Vale District Council and Central Bedfordshire Council in respect of the Vale of Aylesbury Local Plan (VALP) and the Central Bedfordshire Local Plan with regard to meeting the Duty to Cooperate – February 2018

Background

1. This MoU forms an agreed mutual position between the Councils to be referred to in respect of the Duty to Cooperate. This is a positive approach in the light of recognition from both Councils of the importance of having up to date Local Plans in place. However, it should be noted that this is not a legally binding agreement and its content may be modified, by agreement, if new information or circumstances need to be taken into account.
2. This MoU has been prepared alongside the publication of the Proposed Submission Vale of Aylesbury Local Plan 2013-2033 and the Central Bedfordshire Pre-submission Local Plan 2015-2035 following active cooperation between the two councils during earlier phases of plan preparation including the production of draft local plans. Its content refers to and summarises the outcomes of meetings that have taken place between Senior Planning Officers and Senior Management from each authority, as well as the respective Cabinet Members for Planning.

Housing Market Areas and unmet housing need

3. National guidance is clear that housing needs should be calculated and accommodated across Housing Market Areas as a whole. Where these cross Local Authority boundaries, the Duty to Cooperate should be engaged to ensure that needs are met. However, it is also stated in national planning guidance that where a local planning authority has asked an adjacent council to accommodate unmet need and this has not been accommodated the requesting authority should have explored all available options for delivering the planning strategy within their own planning area. Through Duty to Cooperate engagement, AVDC and CBC have and will continue to engage positively with regard to the accommodation of development within their respective areas and the implications for any cross boundary impacts.
4. Both Councils were part of a group of authorities that commissioned joint reports from ORS to establish the extent and location of Housing Market Areas (HMAs) across Bedfordshire and Buckinghamshire. These reports also concluded on how established HMAs 'best fit' within existing administrative boundaries. This approach means that where a functional HMA crosses into a local plan area the housing need arising from that area is contained in the overall housing figure for the relevant plan area. Additional unmet need for other areas within the functional will then to be added to the overall 'best fit' housing figure for the plan area if sufficient capacity cannot be identified within the adjacent plan area and it is sustainable and reasonable to do so.
5. The councils have cooperated in the production of a Luton HMA Growth Options Study (November 2016) to examine options to help meet housing need within the Luton Housing Market Area which has informed the production of the Central Bedfordshire Pre-submission Local Plan. The study concluded that with alterations to the Green Belt sufficient capacity existed within Central Bedfordshire to accommodate unmet housing need arising from Luton. The Central Bedfordshire Pre-submission Local Plan accommodates sufficient housing partly through Green Belt alterations to meet Luton's unmet housing need. There is therefore currently

no requirement for unmet housing need from Central Bedfordshire to be met within Aylesbury Vale.

It is therefore agreed by the two councils that:

(a) The Central Bedfordshire Local Plan will provide for objectively assessed housing needs arising in Central Bedfordshire and a proportion of unmet housing need arising from Luton within the Central Bedfordshire boundary. Central Bedfordshire has no unmet need requirement that would need to be accommodated by Aylesbury Vale.

(b) As stated above it is agreed that the development needs arising from the part of Aylesbury Vale which is covered by the Luton HMA will be accommodated in the overall housing provisions for the plan area in the submission VALP.

Continued cooperation and joint working

Apart from the Housing Market Area and unmet housing need matter addressed above it is not considered that there are currently any other cross border strategic planning issues which need to be addressed within this MoU. Nevertheless the proposed submission VALP commits Aylesbury Vale to an early review of the plan to address a range of longer term issues including the alignment of the proposed Oxford Cambridge Expressway. The Central Bedfordshire Local Plan has also been written on the basis of a an early review being undertaken because of the potential consequences for Central Bedfordshire's future development from the alignment of the proposed Oxford Cambridge Expressway. There is therefore a continuing need for active and positive cooperation between the two councils in relation to cross border strategic planning issues.

It is therefore agreed that:

(a) There are currently no cross border strategic planning issues between the two councils

(b) The two councils will continue to engage proactively at both officer and member level in relation to longer term cross border strategic planning issues.

<i>Local Authority Cabinet Member signature</i>	<i>Date</i>