

**Classification: OFFICIAL**

**Duty to Co-operate Memorandum of Understanding between South Oxfordshire District Council and Aylesbury Vale District Council (“the Councils”)**

**February 2018 – FINAL version**

***The Duty To Co-operate***

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”.

2. 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.”*

***Agreements between Councils***

3. 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. This 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 practicable 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.

4. 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.

5. In the light of the Duty to Co-operate, South Oxfordshire (SODC) and Aylesbury Vale (AVDC) have agreed this memorandum of understanding to identify areas and topics of common strategic concern.

6. The memorandum of understanding (MOU) builds on long established joint working between local authorities and acknowledges where issues cannot be resolved by local authorities acting alone.

7. The following schedules identify the current position between the authorities, where agreement has been reached, and also where further co-operation will be undertaken to

seek resolution of outstanding matters. This MOU 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***

8. SODC position is that it lies within the Oxfordshire Housing Market Area, as identified in the 2014 Oxfordshire SHMA. The SHMA was jointly committed and accepted by all Oxfordshire authorities. It notes that, "There are links, in housing market and economic terms, between parts of Oxfordshire and surrounding areas. In the north of the county, the economic and housing market influence of Banbury and Bicester extend into South Northamptonshire and Aylesbury Vale respectively.

### ***AVDC***

9. AVDC position is that the geographical area of Aylesbury Vale is part of several housing market areas – a Buckinghamshire HMA, part in an Oxfordshire HMA, part in a Milton Keynes HMA and a small part in a Bedfordshire/Hertfordshire HMA. However, on a "best fit" basis the whole of Aylesbury Vale District is considered in the Buckinghamshire HEDNA 2016 to be within Buckinghamshire Housing Market Area and Functional Economic Market Area. 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.
10. The part of the Oxfordshire HMA within Aylesbury Vale is counted in meeting the objectively assessed housing needs of Aylesbury Vale in the overall district figure in the VALP of 19,400.

### **Agreement**

11. It is agreed that there is an overlap of parts of an Oxfordshire HMA covering both South Oxfordshire and a part covering Aylesbury Vale. However, in terms of 'best fit' it is agreed that Aylesbury Vale and South Oxfordshire lie in separate but adjoining Housing Market Areas and Functional Economic Market Areas.

## **SCHEDULE B: UNMET NEEDS**

### ***SODC***

12. SODC's position is that it is not seeking to accommodate any of its housing or employment needs in any other authorities outside the District.

### ***AVDC***

13. AVDC's position is that through discussions with the other authorities in their HMA and FEMA (Wycombe 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 13 July 2017, the four Buckinghamshire authorities have a formal signed MOU agreeing the following unmet need coming into Aylesbury Vale:

<b>Authority (District Council)</b>	<b>Timeframe</b>	<b>Amount of housing</b>
<b>Wycombe</b>	2013-33	2275
<b>Chiltern (joint local plan with South Bucks)</b>	2014-36	5725
<b>South Bucks (joint local plan with Chiltern)</b>	2014-36	
<b>TOTAL to be included in VALP</b>		<b>8000</b>

14. AVDC confirms it can accommodate the unmet need identified above and has set this out in the VALP Proposed Submission plan and has made the necessary site allocations for the growth levels on top of the significant levels of already committed growth. The situation on unmet housing needs will need to be kept under review for successive local plans.
15. AVDC considers, following evidence in the Wessex Econometrics Housing Delivery Study for Buckinghamshire (August 2017), that the required annual delivery rate to deliver 27,400 homes over the plan period is achievable. In terms of capacity, the Aylesbury Vale Housing and Economic Land Availability Assessment (January 2017) identifies 26,872 homes in existing settlements plus since the HELAA, a site of up to 3,000 homes as been approved at 'Hampden Fields' (Southeast of Aylesbury) and up to 1,100 homes at 'Woodlands', north of Aston Clinton. In addition, since the HELAA, a site at RAF Halton has become available during the plan period that has the potential for around 1000 homes. Therefore there is sufficient capacity (with only some of the HELAA sites required) to accommodate the required growth in VALP.
16. AVDC confirms it does not have any unmet need to be met by any other district, which includes South Oxfordshire. The situation on unmet housing needs will need to be kept under review for the review of the VALP.
17. Regarding employment and retail floorspace provision, the overall approach by the Buckinghamshire planning authorities across the Bucks Economic Market Area broadly delivers sufficient land for economic growth. 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**

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

### **SCHEDULE C: STRATEGIC TRANSPORT ISSUES:**

19. There is a separate Memorandum of Understanding between South Oxfordshire District Council, Wycombe District Council, Aylesbury Vale District Council, Oxfordshire County Council and Buckinghamshire County Council setting out a jointly agreed position on cross-boundary transport matters. These matters include transport modelling and road infrastructure around Thame and also the implications of the proposed Oxford-Cambridge Expressway.

#### **SCHEDULE D: PLAYING PITCHES:**

##### **Agreement**

20. The South Oxfordshire Playing Pitch Strategy recognises that significant additional growth in Aylesbury Vale could lead to insufficient capacity at pitches in the North sub-area of South Oxfordshire. AVDC confirms the VALP and commitments means growth in the southwest of Aylesbury Vale is not significant at present.
21. In terms of the next local plans to be prepared after adoption of the VALP 2013-33 and the South Oxfordshire Local Plan 2011-33, SODC and AVDC agree that dialogue can take place concerning playing pitch provision in North sub-area of the South Oxfordshire based around Chinnor in the context of growth being planned for in the respective next local plans for both districts. AVDC anticipates there are likely to be higher levels of growth district-wide that will need to be taken forward in the next local plan post-adoption of VALP.

#### **SCHEDULE E: OTHER STRATEGIC MATTERS:**

##### **Agreement**

22. SODC and AVDC agree to co-operate 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 particularly concerning the landscape around Thame and between Haddenham and Thame or flood risk assessments covering the River Thame or tributaries thereof.

(Cont.)

## **Conclusion**

22. This Memorandum of Understanding / statement of Common Ground 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, both Councils agree that they are complying with the Duty to Cooperate.
23. It is not a legally binding document but a document through which both Councils have agreed an approach to work together on shared planning principles to assist in the preparation of Local Plans and infrastructure delivery.

## **AGREEMENT**

**Signed by the following Council representatives.**

For **Aylesbury Vale District Council**:

Signature



Name **Councillor Carole Paternoster**

Title Cabinet Member for Growth Strategy

For **South Oxfordshire District Council**:

Signature



Name **Holly Jones**

Title Planning Policy Manager

Agreement Dated – **23 February 2018**