

Duty to Cooperate Memorandum of Understanding (MoU) between Aylesbury Vale District Council (AVDC) and Buckinghamshire County Council (BCC) (“the Councils”) in relation to the Vale of Aylesbury Local Plan

Introduction

Buckinghamshire County Council (BCC) and Aylesbury Vale District Council (AVDC) have been cooperating for several years on strategic planning issues, working through the Bucks Planning Group (BPG), both on a bilateral basis and with the other Buckinghamshire planning authorities and Bucks Thames Valley Local Enterprise Partnership (BTVLEP) relating to the preparation of the new Local Plans.

An MoU has been agreed between the Bucks Districts and BTVLEP and the authorities are also working towards a Bucks Wide Memorandum Of Understanding (MoU) that can be agreed with BCC.

This is not a legally binding agreement but a document setting out the current position, at the date of signing, on strategic issues in relation to the Vale of Aylesbury Local Plan, in terms of the Duty to Co-operate both in terms of process and outcomes / areas of agreement resulting from that co-operation.

Context

The context for this MoU is a scale of growth in Aylesbury Vale of 28,830 homes and new employment floorspace. The growth is identified from a number of different sources, including:

- Extensive existing commitments and completions;
- The development of a Garden Town at Aylesbury;
- Development of sites on the periphery of Aylesbury Vale’s strategic settlements;
- Limited development at villages;
- Development at RAF Halton within the Green Belt;
- A significant site on the edge of Milton Keynes.

The scale of growth identified meets all the identified need for development for Aylesbury Vale and also makes provision for significant unmet housing need from adjacent plan areas due to the significant environmental constraints that exist in the south of Buckinghamshire, notably the Green Belt and the Area of Outstanding Natural Beauty (AONB).

Joint working and collaboration

BCC and AVDC have been working together over a significant period of time on a range of issues. These include:

- Ongoing dialogue on infrastructure planning including assessing the infrastructure implications of emerging growth scenarios; BCC has contributed towards the preparation of the Aylesbury Vale Infrastructure Delivery Plan in terms of identifying strategic infrastructure needs for new development.
- Aylesbury Garden Town – There has been extensive joint working on a range of issues in relation to the proposed delivery of Aylesbury Garden Town – see section 3 for more details.
- Traffic modelling and testing – jointly commissioned traffic modelling using the County wide strategic traffic model to assess the impact of growth and identify mitigation measures; detailed highways development management inputs to sites in the Housing and Economic Land Availability Assessment and key development sites in the emerging Plan.
- BCC Highways Development Management has undertaken an assessment of the highway accessibility and acceptability of each of the allocated sites including strategic sites within the VALP against transport policies outlined in NPPF, LTP4 and compliance with standards within Manual for Streets.
- The Aylesbury Transport Strategy has been developed to support the growth outlined in the VALP and support the VALP Infrastructure Delivery Plan.
- Green Belt – there has been joint working on Green Belt issues – see section 4 for details.
- Need for Older People's accommodation – officers from the two Councils have liaised on the emerging evidence and have considered policy approaches.
- Wider dialogue on the scale and distribution of growth across Bucks as part of the Bucks Planning Group – reaching agreement on spatial settlement allocations for the VALP 2013-33 and the need for an early review of VALP as part of housing growth in Bucks.
- Planning for Flood Risk and Growth – A Strategic Flood Risk Assessment to support the VALP has been completed through joint working as part of a steering group working through a consultant (JBA). The steering group was AVDC, BCC, the Environment Agency, Anglian Water, Thames Water and the Bedford Internal Group of Drainage Boards. Engagement has also taken place on strategic flood risk matters over the plan period through a county-wide flood risk management group with all district councils, BCC, the Environment Agency. This group included both Officer and Member representation.

Cooperation has taken place at both an officer and member level through regular liaison meetings and through specific project work.

Strategic Issues

1. Scale of Growth

Position

The following matters are agreed between AVDC and BCC:

Agreement:

- That the 'best fit' Housing Market Area and Functional Economic Market Area for Bucks based on plan areas consists of Aylesbury Vale, Chiltern, South Bucks and Wycombe Districts, although Aylesbury Vale's links to Milton Keynes and Oxfordshire and its membership of two LEPs must also be recognised;
- That the findings of the HEDNA (December 2016) and HEDNA addendum (2017) are agreed;
- That the objectively assessed housing need for Aylesbury Vale is 19,400;
- That Aylesbury Vale is able to accommodate a further 8,000 dwellings of unmet housing need from adjacent constrained plan areas within expected development rates, and that the resultant need of 27,400 dwellings can be accommodated in the Vale of Aylesbury Local Plan (VALP 2013-33);

2. Distribution of Growth and Strategic Infrastructure within Aylesbury Vale District

Position

The VALP is proposing 28,830 homes. Around 57% of this growth is focused on Aylesbury with almost 20% of the remainder being allocated at or near the other four strategic settlements in the District – namely Buckingham, Haddenham, Winslow and Wendover. The 76 villages within Aylesbury Vale accommodate 3,554 or 12.3% of the overall total of which 424 are allocated in VALP.

Once existing completions and commitments are taken into account the emerging Local Plan is proposing (within the plan period to 2033) around:

- 7,810 homes in/around the Aylesbury Garden Town
- 850 homes at Buckingham
- 315 homes at Haddenham
- 585 homes at Winslow
- 1,000 homes near Wendover (RAF Halton).

The VALP is not proposing additional new employment land beyond what is committed or set out in existing planning applications.

AVDC has liaised with BCC at various stages of the Local Plan preparation process to coordinate infrastructure provision and assessment of housing supply in the form of the HELAA process. This has included close liaison and dialogue with key services at BCC on the emerging scale and pattern of growth, starting from before the VALP scoping

consultation in 2014. This dialogue has underpinned the preparation of the Infrastructure Delivery Plan and is ongoing.

Agreement

1. Based on work to date the scale of growth and broad distribution is feasible in light of the existing infrastructure, and as such BCC do not have any in principle objections to the scale of growth and broad distribution proposed in the VALP 2013-33;
2. That the Infrastructure Delivery Plan provides sufficient assessment of additional infrastructure needed to support additional development as proposed in VALP;
3. AVDC and BCC will work closely together alongside their partners to improve transport infrastructure within Aylesbury Vale and north south connectivity ;
4. AVDC and BCC will continue to work closely together on infrastructure delivery to support the implementation of local plan policies and proposals.
5. AVDC and BCC will continue to monitor and review the policies in the emerging VALP in line with policy S9.

3. Aylesbury Garden Town

Position

AVDC and Bucks County Council are joint partners with SEMLEP and BTVLEP in an AGT project following a successful bid to Government which achieved Garden Town status for Aylesbury in January 2017. The designation of Garden Town status recognises Aylesbury's role as the county town for Buckinghamshire and its central location in the 'brain belt' between Oxford and Cambridge. Aylesbury will play a significant and critical role in delivering:

- new market and affordable housing, including an element of self-build;
- new investment in economic activity across the allocated sites and particularly within the Enterprise Zone at Arla/Woodlands;
- new retail and employment development;
- delivering the components of the County Council's Aylesbury Transport Strategy prioritising investment in multi-modal transport infrastructure, and
- new infrastructure, including health, education and community infrastructure, 50% of land as green infrastructure, and emergency and public services.

In particular AVDC has cooperated with BCC on the development of the Aylesbury Transport Strategy which contains a list of potential transport interventions for Aylesbury which will enable growth, influence travel behaviour and meet the strategic objectives identified above. These will be based on:

- completing a series of outer link roads that will take traffic away from the town centre and allow public transport priority improvements to take place on the main radial roads closer to the town centre, improving public transport journey time reliability;
- implementing an overarching strategy to connect new developments, with each other, to key destinations and to the town centre by active travel and public transport;
- considering new ways to redesign roads within the central area of Aylesbury to ensure access for all;
- undertaking a parking study to understand current supply and demand in order to reassess parking provisions and controls;
- completing gaps in the cycling/walking network, particularly connections within the Aylesbury Gemstone cycle network;
- improving pedestrian crossing options where safety is an issue or where major roads act as a barrier to pedestrian movements, including the inner relief road around the town centre, and
- ensuring a strategic approach is in place for providing sustainable transport access to all new development and ensuring good transport links are in place to all three rail stations around the town centre.

Another particular area of cooperation between AVDC and BCC has been in the area of Green Infrastructure (GI) with Aylesbury Garden Town being a priority area where a number of projects from existing GI strategies were combined and focused on the town. This proposal area also forms the greater part of the County GI Priority Action Area 2, Aylesbury environs. It includes a number of countryside access gateways identified in the 2009 County GI Strategy, notably Quarrendon Leas and, at greater distance, the Waddesdon Estate (National Trust), Tring Reservoirs Complex/College Lake and Wendover Woods. This includes the creation of an Aylesbury Linear Park made up of Aylesbury Linear Park east and west and Quarrendon Leas to the west and Grand Union Triangle, Wendover Woods and Regional Wetland Park to the east.

Since Aylesbury was awarded garden town status in January 2017 we have put in place a project team and delivery board to take the project forward, which includes representation and accountability from all partners.

Agreement

1. That AVDC and BCC will continue to work jointly with partners to:
 - a. Deliver a series of Supplementary Planning Documents to support the Local Plan and delivery of Aylesbury Garden Town;

- b. Focus on masterplanning the Aylesbury Garden Town, establishing high quality design principles;
- c. Identify and secure funding for the essential infrastructure;
- d. Develop a vision of the future and planning beyond the end of the VALP period of 2033.

4. Green Belt

Emerging work on local plans across Bucks indicated that there was unlikely to be sufficient housing and employment land in Chiltern, South Bucks and Wycombe Districts to meet Objectively Assessed Needs in each of those districts, as set out in the Bucks HEDNA.

The Buckinghamshire Districts and BCC jointly commissioned Arup to undertake an assessment of the Bucks Green Belt, focusing on the degree to which general areas of land identified in the study fulfil the Green Belt purposes set out in paragraph 80 of the NPPF.

AVDC then progressed a Green Belt Part 2 assessment for Aylesbury Vale, preparing a draft methodology shared with the other Bucks Districts and BCC. Whilst the methodology was not agreed as a county wide basis for the second stage of assessment, the approach is closely based on the work undertaken by Arup whilst bringing in other sustainability and site suitability factors and making a judgment on whether exceptional circumstances exist on a site by site basis for releasing land from the Green Belt.

Following the draft VALP consultation AVDC reviewed the need for the release of land from the Green Belt and determined that there was no longer justification for the release of the land at Wendover or for the exclusion of RAF Halton from the Green Belt due its expected closure. AVDC then liaised with the County Council to determine the suitability of RAF Halton as a redevelopment site for 1,000 houses. The addition of land to the Green Belt at Leighton Linlade was still considered to be justified.

Agreement

1. That the proposal to allow brownfield land within the Green Belt at RAF Halton to be redeveloped as housing together with supporting facilities is accepted in principle providing that a detailed masterplan is co-operatively produced and development does not reduce the openness of the Green Belt;
2. That there are no strategic concerns about the VALP's approach to adding land to the Green Belt at Leighton Linlade to prevent urban sprawl and establish a permanent boundary to the Green Belt.

5. Accommodation for Older people and vulnerable adults

The Bucks HEDNA and its update , and the BCC Commissioned Housing Learning and Improvement Network (LIN) report Older People and Vulnerable Adults Housing report indicate a significant need for accommodation for older people.

Issues regarding the consistency of these two data sets have been highlighted and joint work is being commissioned to resolve this. There are also issues about the form of provision (use class) appropriate to address that need and the need for an evidence based approach to addressing affordability in future provision.

In summary this need can be addressed in the following ways:

- Adaptable housing – ensuring a proportion of new (non-specialist) housing is built to higher accessibility standards;
- An appropriate mix of housing, involving different types and tenures, to meet needs of all older people
- Specialist forms of housing of various types, some of which would constitute C3 dwellings, and some would be C2 care home type accommodation.

The Local Plan can assist in facilitating these approaches through appropriate policies.

As with the general housing and employment land supply, the ability to deliver this accommodation is subject to the same planning constraints as for general housing (e.g. Green Belt, AONB, flood risk, etc.). Similarly, the ability to require private developers to directly subsidise, or provide land, for affordable/specialist accommodation will rely on evidence from BCC that there is a need for types of accommodation that are unlikely to be delivered by the market without imposing additional planning burdens.

Agreement

1. The VALP will adequately address the need for accommodation for older people supported by appropriate policies to support delivery, including:
 - a. A policy approach that allows for the provision of an appropriate housing mix including accessible and inclusive environments on sites allocated for housing development, thereby providing a wide choice of sites for such provision;
 - b. A policy seeking a proportion of all new homes to meet the accessibility standards set out in the Government's technical standards, thereby future proofing new housing stock and enabling occupants to remain in their own homes to the greatest extent possible.
2. The Councils will continue to work together to clarify the scale and type of need and form of provision, and delivery options;
3. The extent to which the Plan can include additional policies requiring specialist housing or affordable specialist housing will rely on evidence from BCC that there is

a need for types of accommodation that are unlikely to be delivered by the market without imposing additional planning burdens, and that such requirements are viable;

4. AVDC and BCC will continue to work together on issues relating to older people and vulnerable adults including the affordability of new accommodation provided and design issues for new developments, and this may result in the preparation of additional guidance as appropriate.

6. Strategic Flood Risk Issues

The Councils have worked together collaboratively on strategic flood risk issues. This has included:

- Sharing and input into the Strategic Flood Risk Assessment (SFRA)
- Sharing and input into the draft Sequential Approach methodology
- Sharing and input into the SFRA level 2 work
- Sharing and input to emerging draft policy relating to flood risk and Sustainable Urban Drainage Systems management and relevant site specific policies.

There has been ongoing liaison and sharing of information throughout the process of VALP preparation. BCC have provided support and input to discussions and workshops to help shape the site allocations and policies of the plan to ensure issues of surface water and groundwater flooding will be appropriately mitigated by future development proposals. The emerging masterplans will be prepared cooperatively to take account of the areas of greatest flood risk.

Agreement

1. AVDC has been supported by BCC to address flood risk issues across the District within the SFRA Level1 , SFRA Level 2 and Sequential Test and methodology to provide an appropriate and proportionate evidence base to support the VALP proposals;
2. That the Councils will continue to work together within their statutory roles to address issues of potential groundwater and surface water flood risk in the areas allocated for development to ensure they are adequately mitigated by the development and that opportunities for flood management and betterment, alongside environmental and ecological enhancement, are taken. This will include BCC input to the detailed capacity and delivery planning work being undertaken as part of masterplanning. Any appropriate drainage strategy work will be considered and delivered by BCC and AVDC according to their statutory responsibilities.
3. On Aylesbury Garden Town, both Councils agree that the benefits of growth will be to bring about significant infrastructure improvements including increased flood management and alleviation for the town.

7. Compliance with the Duty to Cooperate

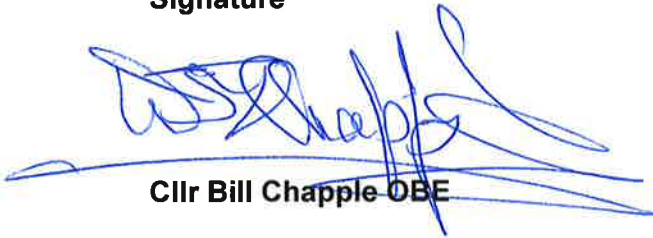
The Councils have worked collaboratively resulting in specific outcomes including areas of agreement in relation to the VALP, as outlined in this MoU.

Agreement

That Aylesbury Vale District Council has complied with the Duty to Co-operate on strategic issues in relation to the Vale of Aylesbury Local Plan.

Signed by the following Council representatives

Signature

A handwritten signature in blue ink, appearing to read 'Bill Chapple', with a horizontal line drawn underneath it.

Cllr Bill Chapple OBE

Cabinet Member for Planning

Buckinghamshire County Council

Signature

A handwritten signature in blue ink, appearing to read 'Carole Paternoster'.

Cllr Carole Paternoster

Cabinet Member for Growth

Aylesbury Vale District Council

Agreement Dated – 7 February 2017

