

Classification: OFFICIAL

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

February 2018

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, Dacorum (DBC) 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.

8. The case for updating the MOU will be a standing item on the agendas for Duty to Co-operate meetings between AVDC and DBC. A review is likely to be necessary each time one of the authorities reaches a major milestone in its plan-making process.

SCHEDULE A: HOUSING MARKET AREAS AND FUNCTIONAL ECONOMIC MARKET AREAS

DBC

9. DBC's position is that it lies in a South West Hertfordshire housing market area (HMA) covering Dacorum, Hertsmere, Three Rivers, Watford and St Albans council areas. The HMA has informed a Strategic Housing Market Assessment (SHMA) produced in 2016 to assess future development needs for housing (both market and affordable) across the area. In addition, a South West Hertfordshire Economic Study (2016) has been produced. This document defines the five Districts referred to above as forming a Functional Economic Market Area (FEMA). The SHMA and Economic Study have been shared with neighbouring authorities, including with AVDC.
10. DBC's objectively assessed housing need as shown in the SHMA is for 756 additional homes a year between 2013 and 2036 (17,388 over the whole period). The Economic Study indicates a need for a 2013-2036 jobs growth of 10,900 in Dacorum.

AVDC

11. 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 Housing and Economic Development Needs Assessment (HEDNA) 2016 to be within the 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 DBC.
12. The bit of the Hertfordshire HMA within Aylesbury Vale is counted in meeting the objectively assessed housing needs of Aylesbury Vale of the overall district figure in the Proposed Submission version of the Vale of Aylesbury Plan (VALP) of 19,400 homes over the 2013-2033 period.

Agreement

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

SCHEDULE B: UNMET NEEDS

DBC

14. DBC published the 'Local Plan to 2036: Issues and Options Consultation' in November 2017. The consultation document sought feedback on three levels of future growth in Dacorum:
 - Option 1: 602 homes a year or 13,846 over the 2013-36 plan-period. I.e. 'Draft Government figure' from '*Planning for the right places in the right places*' consultation document, September 2017.
 - Option 2: about 756 homes a year or 17,388 over the 2013-36 plan-period. I.e. 'Locally assessed need' from the South West Hertfordshire SHMA.
 - Option 3: about 1,100 homes a year or 25,300 over the 2013-36 plan-period. I.e. 'Upper Government figure' based on the approach in '*Planning for the right homes in the right places*' for Councils with existing plans over five years old (which will be the case in Dacorum when the new Local Plan is submitted for examination). However, the consultation document highlights that this level of housing would be extremely hard to achieve.

15. The Council is awaiting clarification from the Government on the new methodology for calculating objectively assessed housing need before reaching a conclusion on the level of need in Dacorum and whether the new Local Plan should accommodate this level of growth. Given paragraph 64 in the *Right homes/right places* document, the Council, together with Hertsmere, Three Rivers, St Albans and Watford Councils intend to take forward joint planning proposals for the South West Hertfordshire area. The detail is yet to be agreed but a Memorandum of Understanding is being prepared and the Councils will produce a statement of common ground for the South West Hertfordshire HMA. This will set out the cross-boundary matters, including the housing need for the area, distribution and proposals for meeting any shortfalls. Only if having fully considered and consulted on all available options housing needs cannot be met fully within the HMA, due to exceptional circumstances, will consideration be given to needs being met outside of the HMA, by authorities which have the strongest functional links to SW Herts in accord with paragraph 182 of the NPPF.

16. In the Local Plan Issues and Options consultation document, the Council proposes that the new Local Plan should plan for office job growth as proposed in the South West Hertfordshire Economic Study, but provide opportunities for a higher level of industrial and warehousing jobs. This is to help meet wider demand from elsewhere in the SW Herts area. However, the consultation document refers to the fact that these conclusions will be kept under review, as they may change depending on what housing target is finally established for the area.

17. DBC does not anticipate that it will be necessary for any of its additional employment land needs to be met outside the Borough.

18. Future retail needs within Dacorum, Hertsmere, Three Rivers and Watford council areas are currently being assessed in the South West Hertfordshire Retail and Leisure Study. This study is due for completion in spring 2018.

AVDC

19. 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:

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

20. AVDC confirms it can accommodate the unmet need identified above and has set this out in the VALP Proposed Submission plan (November 2017) 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.
21. AVDC confirms it does not have any unmet need to be met by any other district. The situation on unmet housing needs will need to be kept under review for the review of the VALP.
22. 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, although the ability to meet higher levels of delivery is constrained without significant interventions in the housing market. 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 has 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 1,000 homes. Therefore there is sufficient capacity (with only some of the HELAA sites required) to accommodate the required growth in VALP.
23. 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

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

SCHEDULE C: STRATEGIC TRANSPORT ISSUES:

25. Traffic forecasting work is being undertaken by both authorities in association with their respective Highway Authorities (Hertfordshire County Council and Buckinghamshire County Council), to assess the impacts of growth on the road networks. Forecasting work for Hertfordshire is being modelled by AECOM using the Countywide model (COMET) which is based on a SATURN and EMME platform, 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 fully test the impact of growth in surrounding districts/ Counties in detail, but forecast demand traffic flows on key cross-border routes can be exchanged.
26. The latest run of COMET includes allowance for Local Plan housing growth in adjoining Buckinghamshire districts as supplied by Buckinghamshire County Council in Autumn 2017.
27. In terms of the Buckinghamshire County Council model, the traffic flows between A41 Tring and Aston Clinton/B4009/B488, this shows a slight improvement when a series of highway mitigation measures are tested alongside future Local Plan growth (Do Something Scenario 3 compared with the Do Something Scenario).
28. Hertfordshire County Council's COMET model looks at travel across the whole of the County. Current modelling work reflects existing planned Local Plan levels of growth to 2031, including that proposed in the adopted Dacorum Core Strategy. A new run of the COMET model has recently been undertaken to test the implications of building 756 homes a year in Dacorum to 2036, as proposed in the SHMA (whilst maintaining 2031 levels of growth in the rest of the COMET model). The final results of this model run are expected in February 2018 and will be shared with AVDC and Buckinghamshire County Council.

DBC

29. DBC's position is that no conclusions can be reached yet on whether there will be any traffic impacts from growth specifically in AV. The key area to be assessed is the impact of growth on the A41. We will continue to share our evidence and proactively work together to manage and mitigate any potential impacts which could arise.
30. Tring railway station is used by many residents living in Aylesbury Vale. Further discussions are required to consider possible improvements to access to and parking at

the station. These discussions should involve AVDC and Buckinghamshire County Council, as well as Dacorum and Hertfordshire County Council.

AVDC

31. AVDC and the other authorities in Buckinghamshire have worked together to prepare traffic forecasts of the overall growth scenarios across the county (county-wide modelling). At this time, the Buckinghamshire county-wide modelling is showing limited additional flows into Dacorum as a result of the growth in Aylesbury Vale District. As far as DBC's plans are concerned we are happy to work together as their plan progresses.

Agreement

32. DBC and AVDC agree there are currently no duty to co-operate concerns on matters concerning strategic transport networks in their respective emerging Local Plans.
33. DBC and AVDC agree in terms of local plans, neighbourhood plans or planning applications to engage at an early stage and consult each other on policies and proposals that affect the strategic network or which have cross boundary impacts.
34. 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 including respective Highway Authorities.

SCHEDULE D: OTHER STRATEGIC MATTERS:

Agreement

35. DBC 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 Tring, Buckland, Long Marston, Wingrave, Cheddington, Marsworth, Pitstone, Ringshall and Dagnall. These are areas in the setting of the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Attractive Landscape in Aylesbury Vale. In the cases of Ringshall and Dagnall, land is actually in the AONB.

Conclusion

36. 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 both authorities agree that they are complying with the Duty to Co-operate.

37. 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.

Agreement

Signed by the following Council representatives

Dacorum Borough Council

Signature



Name: Councillor Graham Sutton

For Dacorum Borough Council

Aylesbury Vale District Council

Signature



Name: Councillor Carole Paternoster

Cabinet Member for Growth Strategy

For Aylesbury Vale District Council

Agreement Dated – **23rd February 2018**