

# **Memorandum of Understanding (MoU) between Milton Keynes Council and Aylesbury Vale District Council in respect of the Milton Keynes Local Plan Plan:MK and the Vale of Aylesbury Local Plan (VALP), housing allocations, Housing Market Areas, and 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 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.

## **The sites**

4. The Proposed Submission Vale of Aylesbury Local Plan allocates one site, at Salden Chase (Policy D-NLV001) for a total of 1,855 dwellings that will be closely related to West Bletchley in Milton Keynes.

5. In principle, both Councils concur as to the sites' suitability, subject to details regarding infrastructure and masterplanning matters. The site is included on the basis that detailed consideration is given to the impacts on infrastructure in Milton Keynes, as included in Proposed Submission VALP.

6. Plan:MK adopts a spatial delivery strategy which seeks to focus housing development within, and adjacent to the existing urban area of Milton Keynes. The spatial delivery of housing development will be focused within the existing urban area; Central Milton Keynes, land at Eaton Leys, South East Milton Keynes, urban infill comprising small sites and regeneration, and land east of the M1. Delivery of the land at Eaton Leys within the Plan:MK area will need to address impacts on the adjacent open countryside within Aylesbury Vale through the relevant policies within Plan:MK and the associated planning application.

7. The policy wording in the proposed submission VALP (4.118) relating to a 'long-term defensible boundary' to the western edge of Milton Keynes raised concern with Milton Keynes Council because it may sterilise broader longer-term growth options for Milton Keynes. Aylesbury Vale pointed out that the aim of the wording in the policy was to protect the designated Area of Attractive Landscape to the west and provide a buffer between the development areas and Aylesbury Vale. Milton Keynes does not have any objections in principle to the inclusion of Salden Chase subject to any adverse impacts on Milton Keynes being considered in accordance with the proposed policy.

*It is therefore agreed by the two councils that:*

*Cross boundary impacts relating to the allocations at Salden Chase within Aylesbury Vale and at Eaton Leys within Milton Keynes will be addressed through the policies in the respective plans and taken into consideration in the decision making process.*

## **Housing Market Areas and unmet need**

8. 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 MKC 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.

9. 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.

9. The reports concluded that the Milton Keynes HMA is 'best fitted' to the Milton Keynes administrative area. However, in spatial terms, it does extend further; across the northern third of Aylesbury Vale and also into Central Bedfordshire.

10. The reports also concluded that the Buckinghamshire HMA is 'best fitted' to the combined administrative areas of Aylesbury Vale, High Wycombe, South Bucks and Chiltern District Councils. It does not extend further but, as noted above, the northern third of Aylesbury Vale is within the functional Milton Keynes HMA, a part of the area of Aylesbury Vale also lies within the Luton/Central Bedfordshire HMA and parts of the Buckinghamshire HMA include parts of the Oxfordshire and Berkshire HMA areas.

11. The Proposed Submission Vale of Aylesbury Local Plan has been prepared according to this 'best fit' Buckinghamshire HMA area aimed to accommodate a considerable amount of unmet need from the three more constrained authorities to the south of Aylesbury Vale. Agreements between the councils are being drawn up to establish the level of unmet need which Aylesbury Vale will be asked to accommodate in the proposed submission VALP.

## **Distribution of growth between Housing Market Areas**

12. Aylesbury Vale District Council has previously consulted on a range of options for accommodating a larger amount of housing growth around the District. Sites on the edge

of Milton Keynes have formed a discrete option alongside others such as a new settlement.

13. The proportion of need expected to arise from the existing population in the northern part of Aylesbury Vale (i.e. within the part of the Milton Keynes functional HMA contained in the 'best fit' Buckinghamshire HMA) is to be accommodated in the plan's proposed growth at Salden Chase, Buckingham and other smaller settlements.

14. Whilst not directly attributable to any individual element of the VALP's growth strategy, the unmet need from the south of the Buckinghamshire HMA and a higher level of growth informed the selection of growth sites in the draft VALP including sites on the edge of Milton Keynes. Aylesbury Vale consider that the overall strategy for the distribution of growth in Aylesbury Vale in the proposed submission VALP has taken into account a range of factors not just the source of unmet need.

*It is therefore agreed by the two councils that:*

*(a) Plan:MK will provide for its objectively assessed development needs within the Milton Keynes borough boundary. MKC 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 northern part of Aylesbury Vale which is covered by the Milton Keynes HMA will be accommodated in the provisions for the area in the submission VALP.*

### **Impacts on infrastructure in Milton Keynes or Aylesbury Vale from proposals in either council's area**

15. As recognised in the proposed submission draft VALP development in Aylesbury Vale will use some facilities in Milton Keynes. It is also the case that there will be impacts on Aylesbury Vale from the site allocated at Eaton Leys in Plan:MK. As set out in the CIL Regulations and the NPPF contributions from developers to address the impacts of development must be directly related to the development. Contributions can therefore only be accepted in relation to proven impacts and then used to meet the consequences of those impacts.

*The two councils therefore agree that:*

*Where contributions are demonstrated to be necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development and there is a clear policy basis, to mitigate the impact of a development in the respective authority then Milton Keynes Council or Aylesbury Vale District Council, whoever is the relevant planning authority for the development, will seek to secure these through a S106 agreement and will transfer any consequent contributions received to the relevant authority when they are required for the specified purposes. Such transfers of contributions will be subject to monitoring to ensure that contributions are utilised in an appropriate and timely manner.*



## Continued cooperation and joint working

16. Apart from the site specific and Housing Market Areas matters 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. Plan:MK has also been written on the basis of a shorter than normal time horizon because of the potential consequences for Milton Keynes 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:*

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



Local Authority Cabinet Member signature	Date
 Cllr Liz Gifford, Cabinet Member for Place, Milton Keynes Council	30.01.18
 Cllr Carole Paternoster, Cabinet Member Growth Strategy, Aylesbury Vale District Council	19.02.18