

Duty to Cooperate

Treatment of housing and employment needs and delivery in the Broads Authority Area

Memorandum of Understanding

Introduction

Due to the revocation of the Regional Spatial Strategy (East of England Plan), and the Duty to Cooperate requirement introduced by the Localism Act (2011) there is a need for an agreed approach to determining the strategic allocation of housing and employment growth etc in the Broads area. This is to ensure that the Broads is properly conserved and the risks from flooding are minimised.

It is proposed that districts continue to assess the needs for the whole of their area, and provide land to meet the level of planned delivery derived from that within their planning areas outside of the Broads. Hence there would continue to be no strategic housing, employment, etc target for the Broads area as was the case when the East of England Plan was part of the development plan. Housing and employment development completions in the Broads area (usually windfalls) would, however, continue to be counted by the relevant districts towards meeting their housing targets.

Memorandum of Understanding

Parties:

Broads Authority (as sole local planning authority and special purpose statutory authority for the designated Broads area);

Broadland District, Great Yarmouth Borough, North Norfolk District, Norwich City, South Norfolk District and Waveney District Councils (as housing authorities and in their role supporting economic development in their administrative areas, and as local planning authorities for that part of their areas outside the Broads) [*hereinafter referred to as 'the Districts'*];


Norfolk and Suffolk County Councils (in their role in strategic planning under the 'duty to cooperate' in development monitoring and economic development, etc.).


1. In recognition of
 - a. the responsibilities of all the parties as planning and related authorities for areas in and around the Broads;
 - b. the responsibilities of the Districts as housing authorities, and of all the council parties for economic development of, their areas;
 - c. the duty to cooperate on strategic planning matters imposed on the parties by the Localism Act 2011;

- d. the duty of all the parties to have regard to the Broads statutory purposes imposed by the Norfolk and Suffolk Broads Act 1989 (as amended), these purposes being
 - i. conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - ii. promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - iii. protecting the interests of navigation.
 - e. the revocation of the East of England Plan which formerly allocated strategic housing and employment targets to the districts but not the Broads;
 - f. the general inappropriateness of significant housing and employment development in the Broads, and the potential risks to the area associated with housing and employment targets, in the light of
 - i. the status of the Broads as a national park equivalent, which the National Planning Policy Framework states has the highest status of protection in relation to landscape and scenic beauty, and where conserving landscape and scenic beauty, wildlife and cultural heritage should be given the greatest weight;
 - ii. the 'National Parks and the Broads - UK Government Vision and Circular 2010', which states 'The Government recognises that [these areas] are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them'.
 - iii. the serious risk of flooding affecting almost the whole of the Broads area (the boundary of which largely follows the extent of the flood plain); and
 - g. the relatively limited housing need arising within the Broads as a result of its small population the parties agree the following approach to the strategic planning of housing and employment growth for the area
2. The Districts will assess, for planning purposes, the housing and employment needs of their whole administrative areas, and plan for the delivery of this development outside the Broads area (whether in the same district or elsewhere) unless specific circumstances are identified, and agreed with the Broads Authority, where a development to meet a particular need (e.g. local or affordable) can be accommodated within the Broads area (notwithstanding the constraints).
 3. The Broads area has no strategic housing target to deliver a particular quantum of housing or employment development.
 4. The Broads Authority will continue to support limited housing and employment development within the Broads area where this meets identified local needs or supports the Broads purposes
 5. The Broads Authority will give particular weight to developing affordable housing within its area where this can be accommodated within the constraints outlined above. It will also seek provision of affordable housing, or contributions to affordable housing provision, from market housing development within its area, in line with the adopted standards of the relevant district council.

6. Such housing and employment development as does take place within the Broads will be reported to the relevant district, and will be counted as windfall by the district towards its housing and employment delivery target(s). (It will, however, continue to be counted as within the Broads for the purposes of New Homes Bonus.)
7. Without prejudice to the he above, in any case where the potential for a significantly large development is identified within the Broads, the desirability of making a specific variation to the above arrangements will be considered jointly by the Broads Authority and the relevant District or County.
8. The approach outlined above will inform the preparation of the parties' development plans, so far as it is relevant.
9. The Broads Authority and GYBC agree to continue to work closely with each other on schemes that are on or near to the planning administrative boundary of the two Local Planning Authorities. Both LPAs will work with the aim of improving the landscape/streetscape where proposals fit with adopted policies (and due weight given to emerging policies) of the Local Plans (formerly LDF) and the NPPF. Both LPAs will be proactive with offering pre-application advice (informal advice) to assist proposals, where possible, to become acceptable in planning terms. It is acknowledged however that on occasion, some proposals will not be acceptable in planning terms and despite efforts from both LPAs, permission may not be granted.
10. This Memorandum of Understanding shall expire at the end of March 2021 (the East of England plan period), or on such earlier date as mutually agreed.
11. In the event of any of the parties deciding to unilaterally withdraw from operation of this understanding they will give the other parties 6 months notice of this.

[Ends]

Signed:  CLLR BERNARD WILLIAMSON
On behalf of: GREAT YARMOUTH BOROUGH COUNCIL
Date: 20.02.2014

Signed: 
On behalf of: Broads Authority
Date: 24.02.14.

