

**Local Government North Yorkshire and York
28 September 2012**

Recommendations from the Spatial Planning and Transport Board

The LGNY Y Spatial Planning and Transport Board (SP&T Board) had its inaugural meeting on 2 August 2012. The meeting was chaired by Cllr. D Merrett (City of York Council). The minutes and proposed revised terms of reference for the SP&T Board and its supporting Transport Officer Group (TOG) are attached at Appendix A and Annexes A and B.

The SP&T Board considered TOG reports presented on:

- Review of the general governance arrangements for the SP&T Board and Officer Support Group(s) (including terms of reference)
- The Board's role in ensuring a better coordinated approach to infrastructure planning and delivery and meeting the requirements of the Duty to Cooperate
- Broadband and mobile phone 'not-spots' (technical report)
- Memorandum of Understanding (MoU) for the A64
- The SP&T Board's future work programme

The SP&T Board acknowledged the importance of demonstrating compliance with the duty to cooperate and tailored the governance arrangements for the Board and Officer Support Group(s), including their respective terms of reference, to clearly establish how this duty is directing its work and show how the various relevant organisations in the sub-region and its neighbours are cooperating.

The revised terms of reference widen the membership of the SP&T Board to include non-voting representatives from other local authorities and sub-regions, including East Riding of Yorkshire Council and the Leeds City Region.

The LGNY Y Board is requested to approve the SP&T Board's recommendations for the governance arrangements and terms of reference (as contained in the minutes etc. at Appendix A and Annexes A and B).

The SP&T Board also agreed to constitute the York Sub-area Joint Infrastructure Working Forum as a SP&T Board Task/finish Group and agreed a series of recommendations for addressing the issues in relation to rolling out improvements to mobile phone/broadband connectivity

The LGNY Y Board is requested to note the SP&T Board's:

- **Decision to constitute the York Sub-area Joint Infrastructure Working Forum as a SP&T Board Task/finish Group.**
- **Recommendations for engaging with operators/providers in rolling-out improvements to mobile phone/broadband connectivity.**
- **Positive, but non-committal response to the Highways Agency's invitation, to NY&Y authorities that were willing to work with the HA to mitigate the impacts of development along the A64, to sign-up to a 'Memorandum of Understanding' (MoU) as a mechanism to achieve this (see Appendix B)**

Note of Meeting

**Local Government North Yorkshire and York
Spatial Planning and Transport Board
Thursday 2 August 2012, the Guildhall, York**

Attendees: Cllr. Dave Merrett; City of York Council (CHAIR)
Richard Wood; City of York Council
Ian Stokes; City of York Council (Secretariat)
Phillip Lawson; North York Moors National Park Authority
Sarah Housden; North York Moors National Park Authority
Carl Bunnage; North Yorkshire County Council
Ian Marr; North Yorkshire County Council
Cllr. Carl Lis; Yorkshire Dales National Park Authority
David Walker; Scarborough Borough Council
Cllr. Jane Mortimer; Scarborough Borough Council
David Hand; Scarborough Borough Council
Cllr. Jane Parlour; Richmondshire District Council
John Hiles; Hambleton and Richmondshire District Councils
Cllr. Keith Knaggs; Ryedale District Council
Cllr. John Mackman; Selby District Council
Nick Greenwood, Harrogate District Council

Apologies: Cllr. Gareth Dadd; North Yorkshire County Council
Cllr. Ron Kirk; Hambleton District Council

1. Review of the general governance arrangements for the Board and Officer Support Group(s)

Discussion/Recommendations

- 1.1. Cllr. Parlour suggested that greater emphasis need to be given to representation of neighbouring authorities north of the NY&Y sub-region (e.g. Durham). Cllr. Knaggs and Cllr. Mackman suggested the working relationship between NY & Y and the Leeds City Region needs to be improved. Cllr. Mackman also enquired whether LCR should become a non-voting Member of the Board.
- 1.2. Cllr. Mortimer suggested that Agendas for meetings need to be sent out further in advance of meetings (e.g. 10 days) if membership is widened, so

Members/invitees have sufficient time to determine whether to attend, depending on the agenda.

1.3. In scrutinising the Terms of Reference for the Board (Annex A to the Paper) the following amendments were suggested:

- Para 1.1, Line 3 – delete “larger than local” and use a more suitable phrase to reflect the Board’s role in addressing issues of strategic importance or cross-boundary importance.
- Para 2.3 - representatives from the following sub areas and authorities be added to East Riding of Yorkshire Council (see) as non-voting members of the Board
 - Hull (to the east and south east)
 - Durham, Lancashire and the Tees Valley (to the north)
 - Leeds City Region (to the west)
- **N.B.** R. Wood advised the board that other less formal approaches could be taken either instead of, or in addition to this
- Para 3.1 – chairing the Board:
 - eligibility for being appointed Chair should extend to the representatives from the national parks
 - a representative from either the districts or national parks should be appointed as Chair for every alternate year (rotation list to be prepared).
- Para 3.8, line 1 – delete ‘five days’ and insert ‘10 days’
- Para 3.10, line 2 – delete full stop and insert ‘within 10 days of the meeting taking place.’
- Para 4.1, line 3 – after ‘North Yorkshire and York’ insert ‘and their neighbours’
- Para 4.1, line 4 – after ‘issues.’ delete last sentence of paragraph and insert deleted sentence as new paragraph 4.3

1.4. In scrutinising the Terms of Reference for the Technical Officer Group (Annex B to the Paper) the following amendments were suggested:

- Para 1.1, first bullet, line 1 – after ‘planning’ insert ‘and transport’
- Para 1.1, first bullet, line 2 – after ‘national’ insert ‘legislation and national’
- Para 1.1 delete second bullet point
- Para 1.3, 14th line 3 – after ‘Leeds City Region’ delete semicolon and insert ‘Hull, Durham, Lancashire and the Tees Valley;’
- Para 1.3, 14th bullet – add new bullet ‘Liaise with the Highways Agency and relevant rail industry organisations, respectively, on issues pertaining to the strategic highway and rail network;’

1.5. It was agreed that the recommendations (in Para. 7.4 to Para. 7.6) be amended to incorporate the above suggestions.

1.6. It was also agreed that a new paragraph (7.8) be inserted as a recommendation that the Terms of Reference (Board and TOG) be reviewed annually.

1.7. All other recommendations were approved

2. Broadband and mobile phone 'not-spots'

2.1 C. Bunnage introduced I. Marr to give an update on the technical aspects of projects to improve mobile phone coverage and broadband connectivity across North Yorkshire and York, with a focus on the broadband project.

Mobile Phone 'not-spots'

2.2 In January 2012 LGNY Y considered a report relating to the Government's announcement of £150 million in capital expenditure to improve the coverage and quality of mobile voice network services for the 5%-10% of consumers and businesses who lived/worked in areas of the UK where existing mobile voice network coverage was either poor or nonexistent and to extend coverage to 99% of the UK population. The project was being run by Broadband Delivery UK (BDUK). LGNY Y supported the BDUK project and resolved:

'That arrangements be made for the sub-regional Transport and Strategic Planning Board to discuss this project with a view to identifying opportunities to streamline the planning process.'

2.3 Ian Marr refereed to the forthcoming introduction of the 4G (4th generation of mobile phone mobile communications) standards for which the Government licenses licences to operators.

Broadband

2.4 The Government is providing £500 million, nationally, [through BDUK] to upgrade broadband connectivity.

2.5 In North Yorkshire, 90% of its population takes up 10% of the geographic area, with the remaining 90% of its area having only 10% of the population. This latter population typically has poor or no broadband connectivity.

2.6 NYNET is a NYCC 'company' running the major public network across North Yorkshire. BT is the partner organisation for rolling-out broadband in North Yorkshire and York, which has £10 million funding from BDUK. It is seeking to achieve 100% 'useable broadband' (2 mbps across N. Yorks.) by 2017). BT is also seeking to extend its 'fibre optic footprint' for which its roll-out plan is awaited (due in 3 months).

2.7 There is also a commitment to achieve 90% coverage for 'superfast broadband' (i.e. 24-25 mbps) in North Yorkshire and York (N.B. in Europe 'superfast broadband' = 100 mbps). 'Line-of-sight' technologies and approaches being pursued to achieve this, including:

- Discrete battery/solar powered masts
- Using existing buildings

Discussion/Recommendations

2.8 R. Wood enquired whether any requirement/standard for 'Fibre Technology to Premises' (FTTP) is being pursued. Ian Marr believed nothing is being done at a national level (e.g. Building Regulations), so local SPDs might be used to promote/secure FTTP. Cllr. J Mackman believed this would be difficult to enforce as it doesn't appear to meet any of the criteria for imposing as a condition. Therefore, broadband providers will need to liaise with house-builders. John Hines also stated that similar stipulation / enforcement problems exist for promoting /securing sustainable energy measures in developments.

2.9 The Board agreed the recommendations (see Section 5 of the paper) subject to the following minor amendment to recommendation 5:

- Line 3 – after 'to' insert 'seek to'

2.10 The Board agreed the two following additional recommendations:

- 6 That the Board support the principle that Building Regulations should include Fibre Technology to Premises and lobby Government accordingly.
- 7 The Board should (either directly or through the TOG) seek early liaison with the providers.

3. Strategic planning of infrastructure (including York Sub-area Strategic Infrastructure Task / Finish Group)

3.1 C. Bunnage and I. Stokes gave a brief outline of the paper. CB stated that more sites were being added to those listed in Para. 3.4

Discussion/Recommendations

3.2 Cllr. J. Mortimer welcomed the joint-working approach and suggested Inner Deepdale as an additional priority area. Cllr. Mortimer also stated that Community infrastructure Levy (CIL) will not be a funding 'panacea' for infrastructure.

- 3.3 Cllr. D. Merrett noted the NPPF requirement for plans to identify how their affordable as well as general housing requirements would be met and that traditionally North Yorkshire had had a constrained housing supply, made up by higher allocations in other parts of Yorkshire. He commented that York's affordable housing requirement was greater than 800 per year (i.e. higher than the overall average annual housing growth in York's withdrawn LDF Core Strategy) for instance and raised how affordable housing could be accommodated within the Sub-region or whether we'd need co-operation beyond the sub-region to do this.
- 3.4 Cllr. J. Mackman raised the following points:
- What does the Duty to Cooperate mean [for local authorities]?
 - The inspector ruled at the 3rd stage Examination In Public of Selby's LDF Core Strategy that the Duty to Cooperate does not apply
 - What are the cross-boundary issues and what are the barriers?
 - Demolition of Olympia Park is underway.
- 3.5 In response R. Wood stated:
- The Inspector for York's LDF Core Strategy was satisfied that CoYC had demonstrated that cooperation had taken place
 - The TOG could identify cross boundary issues etc., but that any proposals to resolve them would need Member approval / endorsement and this would be a key role of the Board
- 3.6 Cllr. J. Parlour suggested that Tees Valley needs to be added to Figure 1.
- 3.7 Cllr. K. Knaggs stated that:
- The York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) will not include transport in its remit.
 - The Duty to Cooperate will cause 'problems'.
 - The Board will need to identify genuine cross boundary issues, affecting more than two authorities (Cllr J. Parlour later added there is unlikely to be a single issue that will affect all authorities).
 - Proposals agreed by the Board MUST be agreed by the constituent authorities.
- 3.8 Cllr. J Mackman highlighted that there is no Heads of Planning group in LGNYY (it was later suggested that NYPOG could fulfil this role), and referred to the York Sub-area Joint Infrastructure Working Forum. R. Wood suggested other similar sub-area groups, could be established as task/finish groups.
- 3.9 J. Hiles suggested that the Board needs to consider organisational as well as geographical cross-boundary issues and the need to establish/foster a suitable NYCC / Highways Agency / Developer relationship.

4. Memorandum of Understanding (MoU) for the A64

Discussion/Recommendations

- 4.1 Cllr. J. Mackman enquired why the Highways Agency (HA) is seeking funding and why this isn't being funded nationally – it is another cost that will affect the viability of development. Cllr. Mackman also suggested that the proposed letter of response should be amended as follows:
- Line 1, after 'in principle to' insert 'explore'
- 4.2 Cllr. D. Merrett advised the Board that the HA could make the approval of development, that had a detrimental effect on the A64, very difficult to achieve. J Hines reinforced this by referring to recent issues regarding development in Richmondshire and its affects on the A1.
- 4.3 C. Bunnage referred to the A64 Corridor study as a document that sets out the evidence for, and the measures necessary to mitigate the impacts of development on the A64.
- 4.4 Cllr. J Mortimer proposed Option 3 (Agree the MoU in principle, subject to further consideration). Cllr. D. Merrett suggested that the Board needs to decide what 'agreement' it is prepared to sign-up to across the sub-region. Officers to liaise with the HA and advise the Board accordingly.

5. Future Meetings of the Board

- 5.1 Board members agreed to proceed on the basis of 3 meetings per year, for the time being. The next meeting is to take place in November 2012. R. Wood suggested that a work programme be submitted to the Board to determine future meeting agendas.

6. Any other Business

- 6.1 R. Wood informed the Board that CoYC is working jointly with NYCC on waste and minerals.
- 6.2 Cllr. J Mackman advised the Board that a National Planning Policy Framework document for Gypsies Travellers and Showpeople has been published which states that a 5 year supply (of sites for these groups) needs to be maintained. Therefore, authorities need to update their evidence base, which was previously prepared jointly across North Yorkshire.

- 6.3 This led to a general discussion about whether a county-wide or individual authority evidence base(s) should be prepared. Officers were requested to investigate this and report back to next Board meeting in November (as a specific item on the Agenda) R. Wood suggested TOG undertake this task and investigate what other joint evidence base(s) can be prepared.
- 6.4 Board members agreed that the start time for future meetings be put back to 9:30 am.

North Yorkshire and York Spatial Planning and Transport Board

Terms of Reference

1. Purpose

- 1.1. To promote effective, elected member-led, collaborative working between local authorities in the North Yorkshire and York Sub-region on strategic spatial planning and transport issues that extend across geographical and organisational boundaries within and beyond the Sub-region.
- 1.2. The Board will focus on developing appropriate strategic approaches, connections and consultations between authorities, and other 'prescribed bodies' with particular regard to demonstrating compliance with the provisions and two tests of soundness under the 'Duty to Cooperate', as laid down in Section 110 of the Localism Act, 2011:
- 1.3. Each authority retains its own statutory responsibilities.

2. Membership and Secretariat

- 2.1. Core membership shall be:
 - One elected member nominated by each of:
 - Craven District Council
 - Hambleton District Council
 - Harrogate Borough Council
 - Richmondshire District Council
 - Ryedale District Council
 - Scarborough Borough Council
 - Selby District Council
 - North Yorkshire County Council
 - City of York Council
 - One authority member nominated by each of:
 - North York Moors National Park Authority
 - Yorkshire Dales National Park Authority
- 2.2. The Chairman of the York and North Yorkshire Local Enterprise Partnership will also be invited to be a member or nominate a non-local authority member of the LEP Board as a member.
- 2.3. A member representative from East Riding of Yorkshire Council (as a constituent member of the York, North Yorkshire and East Riding of Yorkshire LEP), Hull and Humber Ports City Region, Leeds City Region, Tees Valley, Lancashire and Durham will also be invited to be non-voting members of the Board.
- 2.4. Each local authority, NPA and the LEP may appoint a named substitute member to attend in the absence of their nominated member.

2.5. Each member of the Board may be supported in a non-voting capacity by an officer from their authority.

2.6.

3. Meetings

Chairing the meetings

3.1. Each of the core Members and the National Park Authority Members shall be eligible to stand as Chair or Vice Chairs, subject to the following:

- The Board shall appoint a Chair and two Vice Chairs at its first meeting after 1 May each year.
- The post of Chair shall rotate annually between a member of North Yorkshire County Council, a member of the District Councils, and a member of the City of York Council (i.e. Year 1 from either CoYC/NYCC, Year 2 from either a district or NPA and year 3 from NYCC/CoYC as the alternate authority from that in Year 1 etc.)
- The posts of Vice- Chairs shall also rotate annually, being drawn from the members of the two types of council not represented by the Chair for that year (rotation similar to that of the Chair).

3.2. Should a vacancy arise in the office of Chair or Vice Chair, an appointment to fill the vacancy shall be made at the next meeting of the Board held after the date on which the vacancy occurs.

3.3. The Chair, if present, and in the absence of the Chair, one of the Vice Chairs shall preside at a meeting of the Board. If the Chair and both Vice Chairs are absent from a meeting, the meeting shall appoint a member to preside at that meeting.

3.4. The Chair of the Board or his/her nominee is authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of the purpose of the Board.

Secretariat

3.5. City of York Council will be the Secretariat for the Board.

Conduct of business

3.6. Following its first meeting, the Board shall only meet when there is appropriate business to conduct and normally no more than four times a year.

3.7. Board meetings shall be convened by the Secretariat at the request of the Chair or a simple majority of Board members.

- 3.8. The Secretariat will circulate an agenda specifying the business at least ten clear working days before a meeting of the Board.
- 3.9. The Secretariat will determine the content of the agenda following consultation with the Chair (or in their absence, a Vice Chair).
- 3.10. The Secretariat will be responsible for making the minutes of every meeting available to every constituent authority within ten working days of the meeting taking place.

4. Officer Groups

- 4.1. A Technical Officer Group (with a spatial planning and transport focus) will continue to meet as required to facilitate the work of the Board and effective work between local authorities in North Yorkshire and York and their neighbours on spatial planning and transport issues.
- 4.2. If required, the Board may establish time-limited task and finish groups to undertake specified tasks related to the purpose of the Board. These groups may either report directly to the Board or via the Technical Officer Group (TOG).
- 4.3. The Chairs of these groups will work with the Secretariat to facilitate the overall working of the Board.

5. Review

- 5.1. These Terms of Reference will be reviewed annually.

North Yorkshire and York, Spatial Planning and Transport Technical Officer Group (TOG)

Terms of Reference

1. Purpose

- 1.1. To provide advice and support to the North Yorkshire and York Spatial Planning and Transport Board (the Board) in:
 - Co-ordinating and developing the sub-region's planning and transport responses and input in terms of emerging national legislation and national, regional and sub-regional strategies, plans and programs.
 - Improving partnership working between authorities and with other 'prescribed bodies' on spatial planning and transport related matters, particularly those of a strategic nature that are 'larger than a single authority area'.
- 1.2. To share information and approaches on spatial planning issues and to work collaboratively to seek to ensure consistency of planning related and transport related strategies and policies across the sub-region, particularly in relation to demonstrating compliance with the provisions and two tests of soundness under the 'Duty to Cooperate', as laid down in Section 110 of the Localism Act, 2011.
- 1.3. More specifically, the group will:
 - Consider, develop and undertake joint working and initiatives where beneficial and feasible (including joint funding and commissioning of consultants where appropriate);
 - Work across local authority, sub-regional and regional boundaries to ensure an effective interface with regard to spatial planning issues within the North East and North West Regions, and the City Regions;
 - Act with other York and North Yorkshire thematic groups to ensure effective integration of wider economic, climate change and housing policies;
 - Advise the Board on the content of the emerging sub regional spatial planning assessment and any other relevant planning issues including policy and resource implications; and
 - Facilitate cross-boundary working on transport issues of sub regional importance;
 - Advise the Board with regard to demonstrating compliance with the provisions and two tests of soundness under the 'Duty to Cooperate'
 - Advise the Board with regard to the scope, application and priorities for Devolution of Major Scheme funding;
 - Assist in updating the North Yorkshire and York sub-regional transport strategy to guide any future revisions to North Yorkshire County Council's and City of York Council's Third Local Transport Plans (LTP3s);

- Be kept informed on and inform the Board on the prioritisation and progress of key projects identified in the North Yorkshire and City of York LTP3s;
- Carry out evaluations of completed schemes where appropriate and share best practice in the sub-region on behalf of the Board;
- Seek to improve links between Transport (LTP), Land Use (LDF) and economic planning and policies;
- Advise the Board on issues arising from national government legislation, guidance and consultations;
- Assist in raising the profile of rural transport issues at a regional and national level;
- Assist in integrating transport policy in those areas of North Yorkshire and York that are within both the functional sub-region and the Leeds City Region and extending to neighbouring areas including East Riding of Yorkshire Council, Hull and Humber Ports City Region, Tees Valley, Lancashire and Durham;
- Liaise with the Highways Agency and relevant rail industry organisations, respectively, on issues pertaining to the strategic highway and rail network;
- Advise the Board as to how it can influence, incorporate or otherwise manage the expectations of other agencies;
- Develop a forward work programme in consultation with the Board for sub-regional priority issues, and
- Establish (in conjunction with the Board) and co-ordinate 'Task and Finish' groups for specific work streams as required.

2. Membership

2.1. Core membership will be representatives of the eleven sub-regional planning / transport authorities with responsibility for strategic planning issues and transport planning/delivery within their authority areas:

- City of York Council
- Craven District Council
- Hambleton District Council
- Harrogate District Council
- North York Moors National Park Authority
- North Yorkshire County Council
- Richmondshire District Council
- Ryedale District Council
- Scarborough Borough Council
- Selby District Council
- Yorkshire Dales National Park Authority.

2.2. Membership will also include representatives from:

- East Riding of Yorkshire Council and Leeds City Region (regular)
- Hull and Humber Ports City Region, Tees Valley, Lancashire and Durham (attendance subject to items on Agenda)

3. Reporting

3.1. The Group will report directly to the North Yorkshire and York Spatial Planning and Transport Board as required.

3.2. Task / finish groups may report to the Board either directly, or via the TOG, as required.

4. Meetings

4.1. The Group will meet at regular intervals, as required.

5. Chair, minutes and organisation

5.1. City of York Council will provide a supporting (secretariat) role which includes:

- Chairing the meetings,
- Hosting and organising a forward programme of meetings (unless other arrangements for hosting agreed by TOG),
- Producing and circulating an agenda ahead of each meeting,
- Producing and circulating minutes following each meeting, and
- Co-coordinating the production of reports for the Board.

6. Review

5.2. These Terms of Reference will be reviewed annually.

York Sub Area Joint Infrastructure Working Forum

Sarah Watson-Quirk

3rd Floor
Lateral
8 City Walk
Leeds LS11 9ATDirect Line: 0113 283 6248
2 May 2012

Dear Sirs

A64 LOCAL AUTHORITY PARTNERSHIP WORKING

Further to the York Sub Area Joint Infrastructure Working Forum on 11th April 2012, the Highways Agency is of the view that this meeting, along with our letter (dated 31st January 2012) provide a useful starting point for evaluating the combined impact of future development on the A64 corridor. The Highways Agency's Network Analysis Tool (NAT) highlights that, should all the development come forward within the development plan periods, the combined impact is likely to be significant.

Local authorities are expected to address strategic issues through the duty to co-operate set out in the Localism Act. This requires councils and public bodies including the Highways Agency to "engage constructively, actively and on an ongoing basis" to develop strategic policies and requires councils to consider joint approaches to plan making. One of the ways in which the duty to co-operate can be implemented is through the joint commissioning of evidence to inform a number of separate plans on a key issue. The National Planning Policy Framework (NPPF) is also explicit on the need for local planning authorities to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts. NPPF indicated that a Memorandum of Understanding (MoU) or jointly prepared strategy which is presented as evidence of an agreed position would be an appropriate mechanism for dealing with cross boundary issues¹.

We therefore request that the local authorities whose development impacts along the A64², along with North Yorkshire County Council, make a commitment towards reducing the impact of development on the A64 and work in partnership to develop and implement a holistic package of solutions to reduce and mitigate the impact of development along the A64. We suggest that this commitment could take the form of a MoU. This approach has been successfully implemented in other parts of the region and with other local authorities. A MoU would provide us with confidence in the local authorities' commitment to improvements along the A64 and would provide a structured approach to identifying solutions.

¹ National Planning Policy Framework para 181.

² City of York Council, Selby District Council, Ryedale District Council, East Riding of Yorkshire Council, Scarborough Borough Council
A64 Local Authority Partnership Working letter

If the relevant local authorities are in agreement, we propose that the MoU would cover the following:

- Existing and future demands on the A64 (principally development pressures as a result of Local Plan proposals);
- Identification of a range of transport interventions to allow the development, which impacts on the A64, to progress in a sustainable manner; and
- How development proposals and associated travel demands on the A64 will be monitored and assessed over the plan period.

An outline MoU has been attached to this letter as an example. This is not a proposed MoU for authorities to sign, it is simply provided to illustrate the potential scope of such an agreement.

Due to the nature of the impact along the A64, there is unlikely to be one large improvement scheme which provides a solution to future demands on the network. In reality there is likely to be a package of short term and long term solutions made up of sustainable transport and behaviour change initiatives, demand management, and junction and capacity enhancements.

In the first instance, we would like to understand what the group feels can be achieved through sustainable and behaviour change initiatives. Should these be deemed significant, we can redo our analysis (using our NAT tool) which is currently based on the mode splits as reflected in the Census 2001 travel to work data. Following this, we suggest that an assessment is made of what improvements are required to accommodate the development forecast within the first part of the development plan (short term). Finally, we would suggest that it should be established which improvements are required to deliver the full scale of development forecast within the development plans. In other instances, we have found that agreement on a series of trigger points is an effective approach to phasing mitigation. These trigger points could be based on, for example, the number of trips on the network or could be a fixed period in time when the situation should be reviewed.

We have always maintained that any improvements – identified as critical to the delivery of the Local Plan aspirations – must have an identified funding source. This is considered an issue of soundness by the Highways Agency. Our policy on this matter (and LDFs in general) is clearly stated by Circular 02/2007, which is not affected by the introduction of NPPF. Of particular relevance to the provision of infrastructure to support development is the following section:

"Where the provision of extra capacity is needed to provide for overall forecast demand throughout the Review Period, capacity improvements maybe agreed, subject to environmental and deliverability considerations. These improvements will normally be provided at the expense of the developer... to ensure that local conditions on the strategic road network will be no worse throughout the Review Period with the development than if it had not taken place."

However, the viability of development is intrinsically linked to the future economic growth of the region. As such, we would want to investigate, with the local authorities, the potential funding sources available for future improvements to the A64. Community Infrastructure Levy (CIL) will be an important element of this funding scenario but other

funding sources should also be considered, including Major Scheme Funding for future spending review periods. The recent consultation on the devolution of this funding to Local Transport Bodies highlights a potential opportunity for areas to have a greater influence on how major scheme funding is spent.

Finally, if the York Sub Area Joint Infrastructure Working Forum is to be the mechanism through which the A64 issue is tackled, the reporting structure and relationship with other key local groups such as the Spatial Planning Officer Group, Transport Officer Group and Spatial Planning and Transport Board are crucial. As such, we request clarification (when available) on the proposed reporting structure of the group and how this will fit within the hierarchy of existing groups within the sub area. With regards to future meetings, should there be a specific requirement for our input, we would be happy to attend.

Yours sincerely

Simon Jones
Sarah Watson Quirk

NO Yorkshire and the Humber Planning
Email: Simon.Jones@highways.gsi.gov.uk and
Sarah.Watson-Quirk@highways.gsi.gov.uk

Outline Memorandum of Understanding

This Memorandum of Understanding (MoU) is between the Highways Agency and [insert relevant local authorities]. The MoU sets out the agreed approach to the consideration of the transport consequences for the A64 arising from planned development within the York Sub Area (and Scarborough) over the period set out in the emerging (and adopted) Local Plans.

Roles

[Insert local authorities] are the Local Highway Authorities for their area and are responsible for consideration of development proposals that have consequences for travel on the local highway.

The Highways Agency represents the Strategic Highways Authority, is an executive agency of the Department for Transport (DfT) and, amongst its other responsibilities, is responsible (on behalf of the Secretary of State for Transport) for the consideration of development proposals that have a consequence for travel on the Strategic Road Network (SRN) – England's Trunk Roads.

Background

- Highlight network capacity restraints
- Outline existing and future demand on the network

Objectives

[insert authority]

Insert objective/s

Highways Agency

To ensure that, in future, the A64 operates at its optimum level in terms of traffic flow, road safety and air quality.

Joint

To seek a shift away from less sustainable travel modes.

To develop a package of measures to address issues along the A64 to support the development aspirations included with the Local Plans in the short, medium and long term.

Purpose of the Memorandum of Understanding

The purpose of the MoU is summarised below:

- To ensure that the transport consequences arising from planned development impacting on the A64 are soundly assessed, on a consistent and transparent basis.
- To set out an approach to agreed joint working to identify and agree the range of transport interventions to allow the development outlined within the Local Plans to progress in an efficient manner.

Process

It is agreed that all parties will work together to establish the necessary interventions to mitigate the detrimental transport impact of development on the Strategic Road Network.

However, the approach will need to build in sufficient flexibility to take account of evolving policy, newly emerging development, and updates to background data and transport models over time.

Matters to be considered:

- Development proposals
- Demand for travel
- Agreement to show long term commitment to sustainable transport initiatives including travel plans.
- Agreement to joint working to identify mitigation schemes

Statutory Obligations

This MoU does not supersede, eradicate or alter the need of any party to meet their statutory obligations; nor should it be implied that the parties are obligated to agree on the consequences or acceptability of planned development. However, through the MoU, all parties will reasonably co-operate with the objective of reaching a position on transport matters in relation to the A64 such that proposals promoted through the planning system can be determined in a timely manner.

Terms of Understanding

The MoU shall be reviewed annually to ensure that it is fulfilling its purpose and to make any revisions that may be agreed as necessary to ensure such is the case. Any party may withdraw from this MoU by giving one month's written notice, so long as reasoned justification is provided.