

March 2010

MEMORANDUM OF UNDERSTANDING FOR
TRANSPORT AND MANAGING GROWTH

AGREEMENT


THE DORSET TRANSPORT

Memorandum of Understanding for Transport and Managing Growth

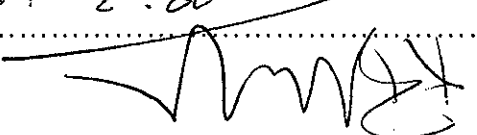
Borough of Poole
Bournemouth Borough Council
Dorset County Council
Highways Agency
MAA Board

Signed by and duly authorised for and on behalf of:


Borough of Poole:

Date: 23 March 2010



Bournemouth Borough Council:

Date: 23.3.10


Dorset County Council:

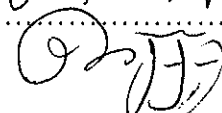
Date: 23.3.10


Highways Agency:

Date: 23/3/10


This MoU has been signed in my presence and I confirm my support for its aims.

MAA Board (Chair):

Date: 23 March 2010


Section 8, the protocol for development control, has been signed by two authorities:

Christchurch Borough Council:

.....
D. Fowl

East Dorset District Council:

.....
K. G. R. M. S.

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Date: 23.3.10

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Date: 31.03.10

TABLE OF CONTENTS

Section 1:	Introduction	Page 4
Section 2:	Wider Signatories to the MoU	Page 4
Section 3:	Aims and Principles of Joint Working between Partners	Page 4
Section 4:	Key Objectives for the Partnership	Page 5
Section 5:	Phasing and Delivery of Infrastructure Improvements	Page 7
Section 6:	Transport Evidence Base - SE Dorset Multi-Modal Transport Study	Page 7
Section 7:	Management of the Strategic Road Network in Dorset	Page 9
Section 8:	Protocol for Development Assessment in SE Dorset	Page 10
Section 9:	Mitigation Measures & Scope of Developer Contributions	Page 12
Section 10:	MOU Code of Conduct & Confidentiality Arrangements	Page 12

Memorandum of Understanding for Transport and Managing Growth

1.	Introduction
1.1	This Memorandum of Understanding (MoU) is between the three Dorset strategic authorities, Bournemouth, Dorset and Poole, (who signed a partnership Multi-Area Agreement (MAA) with the Secretary of State for Communities and Local Government in June 2008) the Highways Agency (represented by the Divisional Director South West).
1.2	The Dorset MAA is one of seven initial formal agreements in the UK, but the concept has been so successful that the Government has committed to introducing more. The MAA covers the whole of Dorset, although its focus on economic growth inevitably means that the partners' action plans are concentrated on the two main urban areas – SE Dorset, population 450,000 and S Dorset, population 90,000. The Government's MAA partners are: <ul style="list-style-type: none"> • Dorset County Council • Bournemouth Borough Council • Borough of Poole
1.3	The aim of the MoU is to guide future development in Dorset so that its traffic congestion effects on the strategic road network are minimised.
2.	Wider Signatories to the MoU
2.1	In addition to the four highway authorities the MoU will also be signed by the Chairman of the MAA Board.
2.2	The Highways Agency (HA) is an executive agency of DfT responsible for operating, maintaining and improving the Strategic Road Network (SRN), which for South East Dorset means the A31/A35 route between Ringwood and Axminster. Its key role and aim within the planning process is outlined within DfT Circular 02/2007 – Planning and the Strategic Road Network and primarily seeks to protect the function and capacity of the SRN focusing specifically on the increasing demand for journeys, journey reliability, highway safety and the provision of enhanced driver information to help road users make better decisions as they plan their journeys.
2.3	Though they are not signatories to the whole MoU, the development control protocol in Section 8 has also been adopted by Christchurch and East Dorset Councils.
3.	Aims and Principles of Joint Working between Partners
3.1	This MoU is a supporting document to the MAA, founded on the belief that close and constructive working between the parties is both beneficial and possible, and on a mutual commitment to deliver the change necessary.

Growth Agenda

Objective 2: Prepare a Working Protocol for Dealing with Applications &

- 4.3 The partners will work together in advising SW Councils of an appropriate RFA funding programme for major transport schemes in the Dorset sub region, and in making updates to that programme.
- 4.2 The delivery of growth within the sub region within the short term is likely to give rise to a series of particular challenges associated with the impact of development on the Strategic Road Network (SRN). Parts of the SRN, especially the A31 in East Dorset, are already operating at capacity. Any significant growth in traffic will cause a detrimental impact on its continued function, capacity, and journey time reliability, until the necessary major improvements are delivered.

Objective 1: Agreed Collaborative Approach to Growth and RFA funding

- 4.1 There are a series of key objectives for the Partnership that this MoU seeks to formally ratify:

Key Objectives for the Partnership

- 3.4 This MoU has no formal status in its own right other than through its association with the MAA. It is an agreed statement of intention between equal partners based on trust, and is not enforceable in statute or law. Any concerns between partners about the actions or lack of action of others will, in the first instance, be communicated directly to the partners concerned, without publicity. However, due to the statutory obligations set out under circular 02/2008 the Highway Agency reserves the right to be consulted on any planning application submitted in the MAA area which may impact on the strategic road network.
- 3.3 It is intended that communications between the partners will continue to be effective and carried out in an open manner, with the current principal meeting arrangements being-
 - (i) the Transport Theme Group of the MAA
 - (ii) the Management Group for the SEDMMS
 - (iii) the SE Dorset Transport Advisory Group
 - (iiii) the SE Dorset Transport Advisory Group
 In addition, all the partners are represented at key meetings of SW Councils. As part of the SE Dorset Transport Contributions Scheme, a Transport Contributions Executive was established in November 2009, including a Highways Agency representative. The TCE has a key role in facilitating the delivery of major transport schemes in SE Dorset.
- 3.2 The culture, actions, and behaviours promoted by the MoU are intended to deliver the benefits of better partnership working as expressed in the MAA, particularly those related to co-ordinated management of the highway and transport networks, and in establishing an up to date evidence base to facilitate delivery of the major transport improvements required.

In order to manage the short term challenges it is essential that the Partnership works collaboratively and identifies a mechanism to ensure some identified growth can be delivered. (For example, the Poole Core Strategy Inquiry Inspector identified that redevelopment in the Town Centre, and the major sites of the regeneration area were sustainably located, and should not need to wait for A31 improvements.) However growth needs to be carefully considered and a balance achieved between protecting and mitigating against the additional stress on the SRN whilst also protecting economic prosperity, which can be affected by congestion and worsening journey reliability.

The key tools required to assist the Partners in achieving this balance include:

- (i) The SE Dorset Multi-Modal Transport Study, January 2007 to December 2010. This will be supplemented as required by the Development Impact Assessment Model Of Network Demand (DIAMOND) SW tool.
- (ii) Improved management of the highway network, using Intelligent Transport Systems, (ITS), and Demand Management measures to influence travel behaviour.
- (iii) Input of advice to the emerging Regional Spatial Strategy, with the aim of securing sustainable development locations, with deliverable transport arrangements.
- (iv) The SE Dorset Transport Contributions Scheme – adopted by the relevant authorities between April and November 2009.
- (v) The Regional Funding Allocation and major scheme assessment rules set by the Department of Transport.
- (vi) Improved protocol for assessing development applications likely to affect the trunk road.

Objective 3: Develop a mechanism across the SE Dorset Area for assessing applications and to facilitate development coming forward in the interim period.

The Partnership will work towards developing and agreeing a mechanism, to prioritise contributions, intervention and initial programme of works informed by the key tools set out above to enable development to come forward in a flexible and pragmatic manner. This should be supported throughout the region by key stakeholders including MA board members, SW Councils, Regional Development Agency, and GOSW. This mechanism will seek to present information in a visual form to allow a greater understanding of the impact of emerging growth on transport infrastructure in the SE Dorset Area. The first meeting of the SE Dorset Transport Contributions Executive, in November 2009, agreed a programme for the allocation of developer contributions to strategic

- transport schemes. This is the fundamental starting point for working up a more detailed mechanism.
- 5. Phasing and Delivery of Infrastructure Improvements**
- 5.1 The MAA has identified that the key transport issues for the Dorset sub region relate to congestion, access to employment, and connectivity. This MOU recognises that during the 2009-2011 period the Partnership will need to achieve certain milestones, including a sound delivery programme for major transport improvements, which will allow parallel development. In particular, the local authorities need better information regarding traffic conditions on the A31 so as to use the SEDMITS more effectively, and a closer working relationship with the Highways Agency in considering planning applications for all key development. This position has been accepted and agreed by all MAA Partners.
- 5.2 It has been agreed by all Partners that one particular challenge in SE Dorset is the management of growth, whilst ensuring a sustainable pattern of movement is achieved and the interim impacts on the A31 are managed (and where possible, directly mitigated.) There is currently a lack of detail as to what, where when and how these problems are going to be tackled and a key objective of the MoU is to provide a framework for the consideration of planning applications.
- 5.3 It has been agreed by all Partners that the current uncertainty in relation to the RSS will need to be continually monitored. If the level of growth proposed in the Secretary of State's modifications to the Draft RSS were to be confirmed or increased further, the content of the MAA and MoU will need to be immediately reassessed, specifically in relation to objective one and three set out in Section 4 above.
6. **Transport Evidence Base - SE Dorset Multi-Modal Transport Study (SEDMITS)**
- 6.1 The SEDMITS Partnership is made up of Poole, Bournemouth and Dorset Councils, the Highways Agency, Government Office of the South West (GOSW), the SW Regional Development Agency (SWRDA) and SW Councils (formerly the SW Regional Assembly). In line with Multi Area Agreement (MAA) responsibilities for transport, Borough of Poole is lead authority for the Study Partnership.
- 6.2 The purpose of the SEDMITS is to improve the evidence base for key transport decisions. In particular, it will support the business cases for all the major transport infrastructure schemes needing Government funding, and identify more detail about what transport improvements are required to serve the main new development areas identified in the Regional Spatial Strategy (RSS).
- 6.3 An up-to-date, multi-modal transport model is essential to advance major transport projects such as the proposed A31 Arneystord to Merley Improvement, the Airport Access Improvements and the Bus Showcase Corridors. Without a model that meets DfT requirements for Government funding of major transport

Anticipate d Date	Phase/ Stage of Study	Deliverable/ Milestone
Aug 2008	Stage 1 - Project Inception	Inception Report
Jan 2009	Stage 2 – Data collection/ analysis	Transport Data Report
May 2009	Stages 3 to 6 – Model development	Model development and validation report
Oct 2009	Stages 7 + 8 – forecasting report	Forecasting report

Phase 2 Key Deliverables

- 6.7 The outline programme for Phases 2 and 3 of the Study are illustrated in the following tables.
- (i) Alternative land-use development scenarios, including the Draft RSS and revised RSS proposals;
- (ii) new highway improvements, including widening of lengths of the A31, the A31 to Poole corridor improvements, and new/improved access roads to the airport;
- (iii) bus priority measures and better management of the highway network using Intelligent Transport Systems;
- (iv) bus and rail based park and ride schemes for access to the main town centres;
- (v) rail improvement schemes, including improved service frequencies, a new station at Boscombe, reconnection of the Swanage line, and new light rail lines;
- (vi) Demand Management, additional parking restrictions, reallocation of road space, and other forms of restraint.
- 6.6 Phase 3 (Strategy Development), started in Spring 2009 for around 18 months, will include wide ranging consultation at appropriate stages with Members, stakeholders and the general public. The transport schemes and development locations to be tested will be agreed through the consultation process. Examples likely to be considered include the following:
- 6.5 Phase 2 of the Study is mainly technical in nature and was completed in October 2009. It consists of data collection and the construction of a multi-modal model, capable of both assessing the impact of various development and transport strategy scenarios, and providing a technical base for the future preparation of Major Scheme business cases.
- 6.4 Phase 1 of SEDMITS was funded by the Highways Agency and completed in Summer 2007. As lead authority for the Study, Borough of Poole appointed a dedicated Project Manager in December 2007. Following an OJEU procurement process, consultants Atkins were appointed in July 2008 to assist with the technical work and strategy development for Phases 2 and 3 of the Study.
- schemes, the transport improvements required in SE Dorset cannot be delivered.

Bournemouth, Dorset and Poole recently completed a study of intelligent Transport Systems for SE Dorset, which also examines the case for a traffic control centre for Dorset. An interim control centre is urgently required to assist with managing access to the Olympic events in Weymouth, in summer 2012,

7.2

The three local highway authorities with the Highways Agency are committed to more efficient use of the existing highway network, and within the main urban areas allocating more space for buses, cyclists and pedestrians. They will share information about progress on all transport schemes which are likely to affect more than one ward or parish. They will freely exchange data on journey time reliability, collisions and other incidents and activities affecting journey times, and data on traffic movement and public transport use.

7.1

7. Management of the Strategic Road Network in Dorset

The outcome of Phase 3 will be a jointly agreed transport strategy and implementation programme for SE Dorset up to 2026.

6.9

The outcome of Phase 2 will be a multi-modal transport model capable of testing the impacts of a range of transport schemes and future development locations. The model must also conform to DfT technical standards so that it can successfully support the business cases for major transport schemes.

6.8

Anticipate d Date	Phase/ Stage of Study	Deliverable/ Milestone
Apr 2009	Stage 1 – Problems and issues	Inception Report
May 2009	Stage 1 – Problems and issues	Policy context and overview of Study area Objectives/ aspirations – Technical Note
Oct 2009	Stage 1 – Problems and issues	Problems and issues report
Feb 2010	Stage 2 – option generation	Option identification report
March 2010	Stage 3 – Strategy/ scenario testing	Options Assessment Report
April 2010	Stage 4 – Strategy Options	Strategy options – Technical Note
July 2010	Stage 5 – Strategy Appraisal	Strategy Appraisal Report
Sept 2010	Stage 6 – Preferred strategy Plan	Draft final report – including preferred strategy and implementation plan
Oct 2010	Stage 6 – Preferred strategy Plan	Final report

Phase 3 Key Deliverables

although the optimum long-term site is expected to be at Marshes End, Poole, adjacent to the A350/A3049 dual carriageways. The detailed interface with existing Police and Highways Agency control centres will need further study.

7.3 The improved network management arrangements sought will require significant improvements in pre-journey and driver/passenger information supplied to the media and the public, and the four Highway Authorities are committed to finding the optimum, cost-effective system.

8. **Protocol for Development Assessment in SE Dorset, where there may be a significant negative impact on the A31 Trunk Road.**

8.1. The mechanism for assessing planning applications that come forward within SE Dorset prior to delivery of the A31 Ameyford to Merley Improvement will be assessed using the following protocol, which seeks to identify a series of parameters and ground rules for the consideration of planning applications by the relevant planning authority and the Highways Agency. For the purposes of this protocol, SE Dorset refers to the geographic area defined by that Local Transport Plan 2006-2011, but excluding North East Purbeck.

8.2 The protocol relates to all planning applications submitted to Borough of Poole, Bournemouth Borough Council, Christchurch Borough Council, and applications within SE Dorset submitted to Dorset County Council and East Dorset District Council. Formal pre-application enquiries are nearly always dealt with in confidence, for commercial reasons, so cannot be included in the protocol. However, the planning authorities will make relevant applicants aware of this protocol, and the need to involve the Highways Agency if they proceed to make a planning application. The Highways Agency will be consulted as a statutory consultee on all 'major' planning applications (as defined below).

8.3 For the purpose of this protocol 'major planning applications' are defined as:

- 50 or more additional units of residential accommodation
- 5,000 sq m of additional commercial development
- change of use class for 5,000 sq m space
- development site area is 1 hectare or more
- amendment or removal of a condition relating to a major planning application where it is likely to cause a significant traffic increase. (The Planning Authority will often seek guidance from the Local Highway Authority on this)
- all minerals, waste and waste management applications
- redevelopment proposals which meet any of the above thresholds.

Within 1km of the A31 trunk road (does not affect Bournemouth or Christchurch) the following lower thresholds will apply:

- 10 or more additional units of residential accommodation
- 1,000 sq m of additional commercial development
- change of use class for 1,000 sq m space
- development site area is 0.2 hectare or more
- redevelopment proposals which meet any of the above thresholds

8.4 Where applications meet the 'major' planning application definition, the following process will apply:

- **Step 1** - The relevant Planning Authority should notify the Highways Agency on registration of the planning application. For changes to planning conditions, and 'land use class' changes the Planning Authority will first seek the advice of the local Highway Authority on whether it should be considered to be a 'major' Application;

- **Step 2** - The Highways Agency will in line with Circular 02/2007 appraise the likely traffic generation of the proposal and provide advice to the Planning Authority within 21 days. The Agency will need to consider whether the development will have a material impact on the function, capacity of the network and journey time reliability (provided the appropriate evidence has been provided by the applicant);

- **Step 3** - Where insufficient information has been provided by the applicant, the Agency will request that this is provided within a designated time frame as agreed with the LPA and will refrain from issuing an Article 14 Holding Direction as part of the MoU approach. However as part of this approach the LPA is fully committed to advising the Agency in sufficient time, prior to the application being determined, or being taken to Committee, to allow issue of a holding direction or assistance in justifying grounds for refusal;

- **Step 4** - Where the Highways Agency advises there is a material impact, the applicant will meet with both the local planning authority and the Highways Agency to examine additional mitigation measures. The Agency will first consider demand management measures, and will only consider physical infrastructure works when other measures would be insufficient;

- **Step 5** - The Highways Agency will make a recommendation to the Planning Authority. It will normally be one of three types:

- Direction of non-approval
- No objection, subject to appropriate planning conditions and/or financial contributions
- No objection (where discussion or further information from the applicant has resulted in reduced concern about the traffic impact).

- 8.5. The Partners will monitor the total amount of development consented and implemented in SE Dorset and carry out an annual review of its predicted traffic effects on the A31 trunk road. The Highways Agency will supply detailed data on traffic flows and delays on the A31 so that the relative impact of the additional development can be assessed, and agreed remedial action taken by the Partners.
- 8.6. This protocol will be reviewed after 12 months operation, and its effects on (i) the performance of planning authorities and (ii) the SE Dorset Transport Contributions Scheme shall be considered. The local planning authorities may then require changes to the protocol.
9. **Mitigation Measures & Scope of Developer Contributions**
- 9.1 In assessing the planning application proposals, the Highways Agency has a responsibility in line with Circular 02/2007 (paragraph 33) to firstly consider how the traffic impact can be reduced through the implementation of demand management, before any physical mitigation/infrastructure works can be considered.
- 9.2. If mitigation is still required after the effects of demand management measures have been taken into account the relevant Partners will work together to agree on an appropriate transport mitigation package to report to the Planning Committee.
- 9.3 It is expected that most developer contributions to transport will be collected through the SE Dorset Transport Contributions Scheme. Expenditure priorities and decisions will be the responsibility of the SE Dorset Transport Contributions Executive (TCE). The Highways Agency has a right to attend all meetings of the TCE to give advice.
10. **MOU Code of Conduct & Confidentiality Arrangements**
- 10.1 In principle, all relevant information that any party to this MOU holds is available to the other signatories to the agreement, except data which is commercially confidential, or personal. In these cases, data summaries can usually be shared without breaching confidentiality.
- 10.2 Each partner will inform the others when a significant programme of data collection is planned. The option of cost sharing between two or more partners will be actively considered where relevant.
- 10.3 The overarching principles of joint working are of openness, explanation and discussion, together with shared responsibility, ownership for problems and solutions. However, it is accepted that internal policy formation and confidential preparation by each partner is entirely legitimate.
- 10.4 This MOU will be considered and monitored by the MA Transport Theme Group, which will include representatives of all partners/signatories of the MOU

Glossary

DfT	Department for Transport
GOSW	Government Office for the South West
HA	Highways Agency
MAA	Multi Area Agreement
MoU	Memorandum of Understanding
LTP	Local Transport Plan
LDF	Local Development Framework
RSS	Regional Spatial Strategy
SEDMMTS	South East Dorset Multi-Modal Transport Study
SEDTCF	South East Dorset Transport Contributions Executive

Acknowledgements

The assistance of Hampshire County Council colleagues, regarding their MoU of October 2008, is gratefully acknowledged.

