

Duty to Cooperate

For the East Hampshire District Local Plan Regulation
18 consultation

**East
Hampshire**
DISTRICT COUNCIL

December 2018

Contents

1. Introduction	3
2. Background	3
3. Policy Context	4
Who to cooperate with and on what?.....	4
4. Key Steps to this Stage (draft Local Plan Consultation - Regulation 18).....	5
Starting a working relationship	5
Collaboration on evidence base	5
Collaboration on ‘developable’ sites with cross boundary considerations	6
Working closely with the South Downs National Park (SDNP) Authority	7
Membership of cross authority working groups	8
5. Strategic Cross Boundary Matters.....	8
6. Meaningful outcomes and further collaboration	9
7. Next steps.....	14
Preparation of Statement(s) of Common Ground (SoCG)	14
Proactive engagement during consultation on the draft Local Plan (2019)	14
Draft Local Plan (2019) questionnaire	14
8. Summary.....	15

Appendix A – The Prescribed Bodies and a Strategic Matter as set out in the Localism Act (2011)

Appendix B – Duty to Cooperate and Land Availability Assessment Questionnaire 2018

Appendix C – Duty to Cooperate Statement of Common Ground between East Hampshire District Council and the South Downs National Park Authority (March 2018)

1. Introduction

- 1.1 The policies in the Local Plan must be positively prepared, justified, effective and consistent with national policy and legislation. The [National Planning Policy Framework](#) (NPPF) sets out the overarching planning policy framework, supported by National [Planning Practice Guidance](#) (PPG).
- 1.2 The Duty to Cooperate was created in the [Localism Act 2011](#). It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 1.3 The Duty to Cooperate is a legal test, and the first consideration at a Local Plan examination. If the Local Plan Inspector finds that the Duty to Cooperate and other legal requirements have been complied with, the examination will continue, to test whether the Local Plan is sound. If the Inspector finds to the contrary, the examination will not continue, and the plan will likely be withdrawn. As such, demonstrating compliance with the Duty to Cooperate is a very important aspect of plan making.
- 1.4 Statements of Common Ground (SoCG) are the means for which cooperation on cross boundary strategic matters can be recorded and meaningful outcomes described. Engagement between local authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports (AMR).
- 1.5 This background paper sets out the relevant policy context, progress to date towards preparing SoCG's and the pro-active steps the Council is taking to ensure meaningful responses are received from prescribed bodies at this stage of plan making (Local Plan regulation 18 stage).

2. Background

- 2.1 Cross boundary strategic matters in plan making used to be dealt with through regional spatial strategies. However, in 2010, they were formally revoked. To replace the vacuum created in cross boundary planning, a new approach based on cooperation was introduced in the Localism Act 2011, titled, "the Duty to Cooperate".
- 2.2 Since its introduction, its requirements have evolved, to the latest position set out in the NPPF (2018) requiring preparation of SoCG. The emphasis is particularly placed on showing meaningful outcomes on strategic cross boundary issues, rather than being able to demonstrate that matters have simply been discussed and parties have agreed not to object to each other's Local Plans.
- 2.3 As such, the Council recognises the importance of the Duty to Cooperate and the risk failing to comply has to the plan making process.

3. Policy Context

- 3.1 It is not the aim of this paper to repeat the contents of the NPPF and PPG with regards to the Duty to Cooperate. Those interested to see are directed to paras 24-27 of the NPPF, and the [Plan Making Chapter](#) in the PPG.
- 3.2 “Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, **on strategic matters that cross administrative boundaries.**” (NPPF, para 24). The NPPF does not provide detailed explanation of the Duty to Cooperate itself (being a legal requirement), but it makes clear that the Duty is a process of collaboration, and requires effective and ongoing joint working, thus being integral to the production of a positively prepared and justified strategy (para. 26).
- 3.3 The emphasised benefit of cooperation is noted as helping “to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.” (NPPF, para 26). This picks up on two important themes of the NPPF; sustainably meeting development needs, and development being supported by appropriate infrastructure.
- 3.4 In addition, the NPPF says, “Plans should make explicit which policies are strategic policies” (para. 21). The [draft Local Plan](#) (2019) does clearly identify strategic and non-strategic policies.

[Who to cooperate with and on what?](#)

- 3.5 “Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies”. (NPPF, para 24). The prescribed bodies are set out in Appendix A. The relevant county council for East Hampshire is Hampshire County Council. In addition, cooperation is required with Surrey County Council with regards to the location of a proposed new settlement close to the boundary with Waverley Borough (see paras 4.7-4.9).
- 3.6 With other Local Planning Authorities (LPAs), County Councils and the prescribed bodies, the LPA must maximise the effectiveness of the preparation of the Development Plan Document (Local Plan in this case), as far as relating to a strategic matter. The definition of a strategic matter as set out in the Localism Act (2011) is in Appendix A.
- 3.7 PPG also offers clarification on the strategic matters on which cooperation is required, referring to the NPPF para 20; which lists;
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure);

- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation
- 3.8 It is not a given however that all the above require a SoCG and extensive cooperation. Rather, the PPG says that whilst cooperating, organisations should work together at the outset of plan-making to identify cross boundary matters which need addressing. (007 Reference ID: 61-007-20180913).
- 3.9 Therefore, taking account of several references across regulations, NPPF and PPG, organisations should be effectively cooperating to identify strategic cross boundary matters that need addressing, and once identified work together collaboratively, effectively and on an ongoing basis to produce meaningful outcomes where possible. Where there remains matters unresolved, these must also be documented.
- 3.10 Some matters may be strategic (as per para 20 of the NPPF), but not need specifically addressing in a SoCG. That is not to say cooperation would not take place, all matters require a degree of cooperation, and can be documented in the AMR. “The Inspector will use all available evidence including statements of common ground, Authority Monitoring Reports, and other submitted evidence. to determine whether the duty has been satisfied.” (PPG, 023 Reference ID: 61-023-20180913).

4. Key Steps to this Stage (draft Local Plan Consultation - Regulation 18)

- 4.1 The following section provides an overview of the key steps taken so far. This section does not list all cooperation to date, rather provides an insight into the steps that have been taken to arrive at the identification of the key strategic matters at present. More detail and meaningful outcomes are listed in Section 6.

Starting a working relationship

- 4.2 The initial step at the very early stages of plan making is to identify the correct contacts and establish contact (i.e. identifying the “duty to co-operate” bodies at the local level, based on the list in Appendix A). It is important that relationships are established at the very early stages of plan making when the evidence base is initially being drawn together. This has been done, with officers building close connections with colleagues from prescribed bodies during the commissioning and preparation of the evidence base. This was supplemented with a questionnaire to the relevant prescribed bodies to establish how we can best engage going forwards and to help identify strategic matters (Feb- March 2018). See Appendix B.

Collaboration on evidence base

- 4.3 There are many opportunities for collaborative working at the early stages of preparing evidence base. These include identifying the extent of the study area and working closely with partners such as Natural England and the Environment Agency to set the parameters for the study. Examples of such are having engaged with neighbouring authorities when determining the extent of the Functional Economic Market Area and Housing Market Area for the purpose of preparing the Housing and Economic Development Needs Assessment (HEDNA) and working closely with the

Environment Agency and Hampshire County Council (as Lead Local Flood Authority) during the preparation of the Strategic Flood Risk Assessment (SFRA), resulting in both the Environment Agency's and Hampshire County Council's sign off prior to the draft Local Plan consultation.

- 4.4 The Land Availability Assessment (LAA) is a key evidence base document, with the option of preparing it jointly with neighbouring authorities and aligning methodology. At the outset, partners were asked whether there was scope for joint preparation and views on policy constraints (see Appendix B).
- 4.5 The Sustainability Appraisal is also of significant importance to the plan making process. At its early stages of preparation, workshops were undertaken with key partners, including representatives from the South Downs National Park Authority (SDNPA), Thames Water, Portsmouth Water, the Environment Agency and Historic England. These workshops helped to inform the identification of reasonable alternatives for the draft Local Plan's spatial strategy for appraisal through the Sustainability Appraisal process, and to identify important issues for future development in different areas of East Hampshire (outside the South Downs National Park, SDNP). A Scoping Report has also been prepared to identify the scope and framework for the Sustainability Appraisal and has been subject to consultation with the Environment Agency, Historic England and Natural England.
- 4.6 Some evidence base documents are prepared by consultants on the Council's behalf. As part of the work undertaken, the consultants often carry out liaison with other authorities at the early stages of the process. This helps to build a picture of wider issues, informing the project and feeding into establishing the strategic cross boundary matters requiring cooperation. For example, during the preparation of the East Hampshire District Gypsy and Traveller Accommodation Assessment (GTAA), consultants carried out phone interviews with planning officers in neighbouring LPAs. This is also the case with the SFRA and interim Green Infrastructure Strategy. Both documents involved consultation with neighbouring local authorities and key stakeholders during their preparation. This helps gather information and start consideration of cross boundary matters at the earliest stages of the work.
- 4.7 Evidence base supporting the draft Local Plan (2018) is available on the Council's [website](#).

Collaboration on 'developable' sites with cross boundary considerations

- 4.8 The Land Availability Assessment (LAA) assesses sites and identifies developable land for consideration for allocation in the draft Local Plan. Some of those sites may be close to boundaries with other Authorities, and of a significant size for there to be cross boundary impacts, mitigation requirements or infrastructure needs. In addition, there may even be scope for the site itself to cross local authority boundaries.
- 4.9 Having established initial contact with neighbouring authorities at the early stages of LAA preparation, this enabled further dialogue, which continues, with regards to 'developable' sites that raise strategic cross boundary matters.
- 4.10 Having been identified as 'developable' in the LAA and considered in the Sustainability Appraisal, the draft Local Plan proposes land at Northbrook Park for

allocation for a new settlement of 800 homes and 6 hectares of employment land (SA21). Whilst the proposed allocation is within East Hampshire District Boundary, it is close to the administrative boundary with Waverley Borough. The LPA is aware of opportunities for a larger new settlement by incorporating adjacent land, some of which is in the same ownership. The Local Planning Authority has started dialogue with Waverley Borough Council on this matter, which will continue, and include Surrey County Council (particularly in relation to highways and education).

Working closely with the South Downs National Park (SDNP) Authority

- 4.11 The Local Planning Authority has historically collaborated with the SDNPA. In 2014, both authorities adopted the Local Plan: Joint Core Strategy (JCS, 2014) covering the whole of East Hampshire District including the SDNP. The JCS set both authorities' overall approach towards local application of sustainable development through its objectives and core policies over the period 2011 to 2028.
- 4.12 Moving forward, whilst preparing separate Local Plans, in March 2018 both Local Authorities signed a SoCG setting out the position and understanding with respect to the strategic cross boundary matter of housing and agreed actions to resolve outstanding matters (see Appendix C).
- 4.13 The JCS confirmed an objectively assessed housing need for the whole of East Hampshire district of a minimum 592 dwellings per annum for the period 2011 to 2028. In 2015, a Memorandum of Understanding (MoU) was signed by both planning authorities which committed to meeting the housing need for East Hampshire which equated to a minimum of 10,060 dwellings over the plan period. It was recognised and agreed at the time that based on environmental constraints within the National Park an appropriate apportionment for doing so would be as follows:
- 1,694 dwellings within the National Park (100 dpa)
 - 8,366 dwellings outside the National Park (492 dpa – which included 71 dpa unmet need from the SDNP)
- 4.14 Although the commitments set out in the MOU were based upon historic assessments of housing need (with no influence from the standard method for calculating housing need), the SDNPA produced a housing trajectory within the SoCG (March 2018), which is specific to the part of East Hampshire falling within the National Park.
- 4.15 The SoCG highlights that over the plan period 2011-2028 it is expected that 1,678 homes will have been delivered in the National Park within East Hampshire, equivalent to 99 dwellings per annum on average. This is just 16 dwellings short of the MoU commitment, equivalent to one dwelling per annum. Therefore, it is agreed by both EHDC and the SDNPA that the JCS commitments and the commitments made in the MoU relating to housing need and supply are being met up to 2028.
- 4.16 Beyond 2028, the provision of new housing in the SDNP area of East Hampshire is unclear. Although no agreement in terms of numbers has been made for the period post 2028, it can be assumed some housing will need to be provided within the National Park area that falls within East Hampshire to meet local needs. The location of this housing is unlikely to be determined until a review of the South Downs Local

Plan or reviews to the various Neighbourhood Plans within the National Park. The LPA will continue to work closely and collaboratively with the SDNP Authority to resolve these matters.

Membership of cross authority working groups

- 4.17 PUSH (the Partnership for Urban South Hampshire) is a sub-regional partnership of unitary and district authorities in Hampshire, together with Hampshire County Council. Its priorities include promoting economic success and building cohesive communities, where the homes that are required are provided in sustainable communities alongside new or improved infrastructure.
- 4.18 PUSH is not a statutory body but enables local authorities to work together to address strategic issues for local plans across south Hampshire.
- 4.19 In June 2016, PUSH published a Spatial Position Statement which sets out the employment and housing development that is needed to promote economic growth and address housing needs through to 2034.
- 4.20 This position statement is supported by an evidence base including a strategic housing market assessment and a review of employment land requirements and availability, prepared by GL Hearn. The Position Statement and supporting evidence is available to view on the PUSH website (www.push.gov.uk/work/planning-and-infrastructure/push-position-statement). The implications of the position statement for plan-making in East Hampshire have been considered through the Interim Sustainability Appraisal Report.
- 4.21 The Council is also a member of other cross authority working groups. For example, the Council chairs the 'Wealden Heaths Phase II Special Protection Area' cross boundary working group. Membership includes officers from Natural England, East Hampshire District Council, Waverley Borough Council and the SDNPA. The Council is also a member of the PUSH Water Quality Sub-Group and the PUSH Air Quality Sub-Group which have been set up to deal with the respective issues as they relate to the impacts of development in south Hampshire.
- 4.22 The Council will also continue to engage and be part of the Solent Recreation and Mitigation Partnership (made up of a consortium of local authorities and key stakeholders, such as Natural England) in order to provide a strategic framework to address the Solent Special Protection Areas.

5. Strategic Cross Boundary Matters

- 5.1 The steps taken so far, and with reference to para 20 of the NPPF (see para 3.7), all help to identify strategic cross boundary matters so far for the purpose of preparing the Local Plan. The draft Local Plan is at the early stages of preparation (regulation 18 stage). The responses received during the consultation on the draft Local Plan (2019) will significantly add to the consideration of the strategic cross boundary matters.

5.2 Whilst the list in para 20 of the NPPF could be repeated and listed as the strategic cross-boundary matters for East Hampshire District, this would not be locally specific, or take account of the understanding to date gathered from evidence base preparation (much of which is interim at this stage).

5.3 However, based on the work to date, the strategic cross boundary matters that require continued cooperation are considered to be:

- Meeting identified housing needs within the District (in partnership with the SDNPA)
- Provision of a new settlement within East Hampshire close to Waverley Borough (Surrey County).
- Meeting the identified need for Gypsy and Traveller accommodation (given at present insufficient land within the district has been identified)
- Consideration of the potential need for transit accommodation for Travellers (with regards to travelling routes across districts/boroughs).
- The impact of development on the European Sites, the provision of Suitable Alternative Natural Green Space and preparation of an avoidance and mitigation strategy
- Infrastructure requirements and provision; particularly in relation to education, transport, drainage and water supply
- Managing flood risk
- The potential impacts of development on water quality in the Solent, as identified through the PUSH Integrated Water Management Strategy (2018)
- Ensuring that housing needs in neighbouring areas are met, for example from districts in the Portsmouth Housing Market Area there is a shortfall identified through the PUSH Position Statement

5.4 It is not to say that each of these topics require an individual SoCG, however, the partners and geography may vary according to the matter. For instance, gathering evidence with regards to travelling routes to inform the need for Traveller transit accommodation may require consideration of different geography to that of the European designated sites, such as the Special Protection Areas.

6. Meaningful Outcomes and Further Collaboration

6.1 It is not the intention of this background paper to list all meetings that have taken place in relation to the above identified strategic cross boundary matters (Appendix 1 of the [Authority Monitoring Report 2018](#) documents meetings). Of key note are any meaningful outcomes and areas that require further collaboration. Table 1 below documents them to date.

Table 1 – Meaningful Outcomes and Further Work

Strategic matter: Meeting identified housing needs within the District (in partnership with the SDNP)			
Geographical area	Action	Meaningful outcome	Further collaboration
East Hampshire District (including the SDNP)	SOCG (2018), see Appendix C	<u>Housing numbers</u> The most recent assessment of local housing need within the East Hampshire part of the SDNP identifies a need of 112 dwellings per annum (dpa). Although the SDLP only runs until 2033; based on the South Down's HEDNA (2017), it can be assumed that this need would also apply beyond that period to 2036. Taking into consideration the landscape sensitivity associated with the National Park, it has been agreed that the South Downs National Park Authority will provide 100 dwellings per annum from 2017 to 2028.	Continued dialogue about delivery of housing.
Strategic matter: Provision of a new settlement within East Hampshire close to Waverley Borough (Surrey County)			
Geographical area	Action	Meaningful outcome	Further collaboration
East Hampshire District and Waverley Borough	Dialogue and meeting	N/a	Review draft Local Plan consultation response from Waverley Borough Council and Surrey County Council and continue dialogue. Need to further consider cross boundary infrastructure requirements and provision, including dialogue with Surrey County Council as Highways Authority and Education provider.

Strategic matters:

- Meeting the identified need for Gypsy and Traveller accommodation (given at present insufficient land within the district has been identified)
- Consideration of the potential need for transit accommodation for Travellers (with regards to travelling routes across districts/boroughs).

See 'Meeting the accommodation needs of gypsies, travellers and travelling showpeople background paper' for further information (www.easthants.gov.uk/gypsy-traveller-and-travelling-showpeople-accommodation).

Geographical area	Action	Meaningful outcome	Further collaboration
Unknown at present	Gather evidence of housing market area and frequently travelled routes	N/a	Review draft Local Plan consultation responses and engage further with neighbouring Local Authorities.
Two areas of existing permanent Traveller accommodation in the district within 400m of the SPA	Dialogue with Natural England regarding key constraints	N/a	Review draft Local Plan consultation response from Natural England and continue dialogue.
Strategic matter: The impact of development on the European Sites, the provision of Suitable Alternative Natural Green Space and preparation of an avoidance and mitigation strategy			
Geographical area	Action	Meaningful outcome	Further collaboration
Planning Authority Area	Dialogue with Natural England regarding the European designated sites and discussion on draft SPA policies.	N/a	Review draft Local Plan consultation response from Natural England, continue dialogue and engagement.

	Engagement as part of the Solent Recreation and Mitigation Programme.		Continued membership of the Solent Recreation and Mitigation Programme.
Strategic matter: Infrastructure requirements and provision; particularly in relation to education, transport, drainage and water supply			
Geographical area	Action	Meaningful outcome	Further collaboration
Planning Authority Area	Early engagement with relevant water utility companies through the Sustainability Appraisal workshops.	Identified some constraints to the local water supply, foul and surface water drainage network and sewage treatment capacity within the planning authority area.	Review draft Local Plan consultation responses from the Water Utility Companies and continue dialogue.
Planning Authority Area	Engagement with the Highways Authority (HCC) to agree the extent of the transport modelling that will support the Local Plan	Agreed that the transport modelling would utilise both the North Hampshire Transport Model (NHTM) and Solent Transport Model (STM).	Review Highways Authorities (HCC) response on the draft Local Plan. Continue to engage with Hampshire County Council as the Local Plan progresses.
Planning Authority Area	Early engagement with the education authority concerning likely educational provision	Identified the potential requirements for primary and secondary education provision that would result from the proposed development in the draft Local Plan.	Review education authorities (HCC) response on the draft Local Plan. Continue to engage with Hampshire County Council as the local plan progresses.

	resulting from the Local Plan.		
Strategic matter: Managing flood risk			
Geographical area	Action	Meaningful outcome	Further collaboration
Planning Authority Area	The Environment Agency and Hampshire County Council (as LLFA) were both represented on the SFRA Steering Group.	Both the Environment Agency and Hampshire County Council (as the Lead Local Flood Authority) signed off the East Hampshire Level 1 SFRA (2018).	Continue to engage with the Environment Agency and Hampshire County Council.

7. Next Steps

Preparation of Statement(s) of Common Ground (SoCG)

- 7.1 “A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.” (Paragraph: 002 Reference ID: 61-002-20180913).
- 7.2 The PPG advises that SoCG should be available when a Council publishes a draft plan (Paragraph: 012 Reference ID: 61-012-20180913). It is the Council’s choice to publish a draft plan at this early stage of the plan making process (regulation 18), rather than a regulatory requirement. As such, the Council does not consider it necessary to prepare SoCG to support this stage of consultation. However, the next steps for the Council are very much to build on the identified strategic cross boundary matters through consideration of the consultation responses and collaborative working, to enable SoCG(s) to be prepared ahead of the next stage of consultation (regulation 19).

Proactive engagement during consultation on the draft Local Plan (2019)

- 7.3 The Council is keen to receive meaningful responses during the draft Local Plan consultation, particularly from prescribed bodies, Hampshire County Council and Surrey County Council. To that end, the Council has commenced meetings ahead of the consultation, and has organised meetings during the consultation to discuss this further, to ensure those responses address key issues and can form the basis of identifying matters that need to be addressed in any SoCG.

Draft Local Plan (2019) questionnaire

- 7.4 Question CQ4 of the draft Local Plan (2019) questionnaire asks, “Do you have any comments on the Duty to Cooperate at this stage?” This provides the opportunity for any respondent to identify cross boundary strategic matters, and comment on cooperation this far. Equally, it provides an opportunity for prescribed bodies to provide further information with regards to continued close working.

8. Summary

- 8.1 At this early stage of plan making (regulation 18 stage), the Council is establishing effective working relationships with prescribed bodies and preparing evidence base in dialogue and collaboration with neighbouring authorities. The Council is seeking to build on this by encouraging meaningful responses to the consultation on the draft Local Plan (2019) that enables the preparation of SoCG ahead of the next Local Plan consultation stage (regulation 19, summer 2019).
- 8.2 The Council is keen to meet prescribed bodies again during the consultation, to discuss the detail of the draft Local Plan. Prescribed bodies are encouraged to respond formally during the draft Local Plan (2019) consultation period and engage in the preparation of SoCG(s).

Appendix A - The Prescribed Bodies and a Strategic Matter as set out in the Localism Act (2011)

The Prescribed Bodies

- 4.—(1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—
- (a) the Environment Agency;
 - (b) the Historic Buildings and Monuments Commission for England (known as English Heritage);
 - (c) Natural England;
 - (d) the Mayor of London;
 - (e) the Civil Aviation Authority⁽¹⁾;
 - (f) the Homes and Communities Agency;
 - (g) each Primary Care Trust established under section 18 of the National Health Service Act 2006⁽²⁾ or continued in existence by virtue of that section;
 - (h) the Office of Rail Regulation⁽³⁾;
 - (i) Transport for London⁽⁴⁾;
 - (j) each Integrated Transport Authority⁽⁵⁾;
 - (k) each highway authority within the meaning of section 1 of the Highways Act 1980⁽⁶⁾ (including the Secretary of State, where the Secretary of State is the highways authority); and
 - (l) the Marine Management Organisation.
- (2) The bodies prescribed for the purposes of section 33A(9) of the Act are each local enterprise partnership.

Strategic Matter

The regulations define a strategic matter as, “a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and (b) sustainable development or use of land in a two-tier area if the development or use— (i) is a county matter, or (ii) has or would have a significant impact on a county matter.”

Appendix B

Duty to Cooperate and Land Availability Assessment Questionnaire 2018

East Hampshire District Council Local Plan Review

Duty to cooperate and Land Availability Assessment

Following changes to government legislation the Council is now undertaking a full review of the Local Plan for those parts of the District outside of the South Downs National Park Authority (SDNPA). The new Local Plan will cover the period 2017 to 2036.

The timetable to produce the Local Plan Review and further information is available on our website. This year will be spent gathering the evidence base and working with our consultees to draw up a draft Local Plan by the end of the year.

As a key consultee and a Duty to Cooperate (DTC) body we would like to know how we can best engage with you throughout the plan-making process and on which strategic priorities.

We would therefore be grateful if you could complete a short questionnaire which will help us to develop a DTC framework.

One of the first projects we will be undertaking will help us to understand what land is potentially available for development in the District (outside of the SDNPA). We are therefore undertaking a Land Availability Assessment (LAA) which will assess land for a variety of land uses including:

- Housing (e.g. market housing, affordable housing, older persons accommodation and Gypsy and Traveller accommodation)
- Employment (e.g. offices, light industrial, industrial and warehousing)
- Retail (e.g. convenience retail, supermarkets, shopping centres and retail parks)
- Social Infrastructure (e.g. schools, health facilities, community facilities)
- Open space (e.g. suitable accessible natural greenspace, sports pitches, playing fields, parks or gardens).

We have drafted a methodology (attached) for undertaking the LAA and as a key consultee and a DTC body we would welcome your feedback by completing the comments form.

This consultation is open from 7 February 2018 to 23 March 2018. Please submit your responses by email to localplan@easthants.gov.uk.

Duty to Cooperate Questionnaire

This form can be completed electronically and emailed to localplan@easthants.gov.uk

Organisation's contact details	
Organisation:	
Address:	
Main contact (Name):	<i>Please also provide below a generic email address and telephone number for the organisation.</i>
Email:	Email:
Telephone:	Telephone:

Please note: If you have officers who specialise in different areas please provide us with all contact details in a covering email, specifying the subject they should be the key contact for.

- 1. Sometimes it will be necessary for cooperation to include elected members. Please provide your organisation's relevant elected member's contact details.** Leave blank if not applicable.

Name:
Email:
Telephone:

- 2. What methods of engagement work best for you.** (please select all that apply)

- a) Meetings
- b) Joint working
- c) Email
- d) Telephone
- e) Telecoms
- f) Video conferencing
- g) Regular newsletters

Comments (please provide any more information on the above e.g. for meetings, the best location, time of day and frequency)

3. What strategic matters do we share with your organisation?

- a) Housing needs
- b) Employment needs (jobs)
- c) Retail
- d) Leisure
- e) Other commercial development
- f) Infrastructure for
 - a. Transport
 - b. Telecommunications
 - c. waste management
 - d. water supply
 - e. wastewater
 - f. flood risk
- g) the provision of
 - a. minerals and energy (including heat)
 - b. health
 - c. security
 - d. community and cultural infrastructure
 - e. other local facilities
- h) climate change mitigation and adaptation
- i) conservation and enhancement of the
 - a. natural environment, including landscape
 - b. historic environment, including landscape

4. Any other comments

Thank you for completing the DTC questionnaire

The consultation on the LAA methodology can be found on the next page.

Draft Land Availability Assessment Methodology

Comment Form

This form can be completed electronically and emailed to localplan@easthants.gov.uk

Contact details
Organisation:
Address:
Main contact (Name):
Email:
Telephone:

A couple of areas that we would like you to consider and provide feedback on are:

1. Do you have a view on whether the LAA should be undertaken jointly with any neighbouring authorities? (Paragraph 6.2)
2. Do you agree with the policy constraints and the justification? Have we missed anything which would result in a site being excluded from further consideration? (Paragraph 6.15)

Please don't limit your comments to the points above. The comment form provided enables you to comment on all aspects of the draft methodology.

Please specify the paragraph number(s) your comment(s) refer to.

Comments

Thank you

Appendix C

Duty to Cooperate Statement of Common Ground between
East Hampshire District Council and the South Downs National Park
Authority (March 2018)

DUTY TO COOPERATE STATEMENT OF COMMON GROUND

BETWEEN: East Hampshire District Council and the South Downs National Park Authority

DATE: March 2018

1. Introduction

1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between East Hampshire District Council (EHDC) and the South Downs National Park Authority (SDNPA). It sets out the position and understanding with respect to the strategic cross-boundary matter of housing, and agreed actions to resolve outstanding matters. It is not binding on either party, but sets out a clear and positive direction to inform ongoing strategy and plan-making.

2. Context

2.1 Section 62 of the Environment Act 1995 requires all relevant authorities, including local authorities such as EHDC, to have regard to the purposes of national parks. These are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;**
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.**

2.2 As a National Park and Local Planning Authority, plan-making for the SDNPA is subject to the National Planning Policy Framework (NPPF) whereby Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in the NPPF indicate development should be restricted. An example of such restrictions given in footnote 9 on page 4 of NPPF is policies relating to the development of sites within a National Park.

2.3 Furthermore Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. It should also be noted that the DEFRA UK Government Vision and Circular 2010 on English National Parks and the Broads, referenced in the NPPF at this point makes clear that the Government recognizes

that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them.

- 2.4 East Hampshire is a district area of which approximately 57% falls within the South Downs National Park. This means that statutory planning responsibilities within the district are geographically split along the National Park boundary. There is a close functional relationship between EHDC and the SDNPA that has long been recognised in planning terms. In accordance with the duty to co-operate, the two planning authorities have worked together to prepare the Joint Core Strategy (JCS)¹ that set a clear development strategy for East Hampshire both inside and outside the National Park. The JCS sets out both authorities' overall approach towards the local application of sustainable development through its objectives and core policies over the period 2011 to 2028 (a 17 year period). The South Downs Local Plan (SDLP) will supersede the JCS in the National Park part of East Hampshire when it is adopted.
- 2.5 At the time of the JCS being prepared, the Housing Market Area (HMA) was defined as East Hampshire district.² The South Downs HEDNA however identifies that, for the purposes of assessing housing need relevant to the South Downs National Park, both authorities fall partly or wholly in the Central Hampshire Housing Market Area (HMA) consisting of East Hampshire, Winchester, Basingstoke and Test Valley.³
- 2.6 EHDC has recently launched its Local Plan Review which will have a plan period 2017 -2036. Once adopted it will supersede the JCS for the parts of the district that lie outside of the SDNP. As part of the emerging evidence base EHDC will be considering its Housing Market area and Functional Economic area and defining them for the purposes of plan-making outside of the South Downs National Park.

3. Purpose and objectives

- 3.1 The SDNPA is preparing its first Local Plan – the South Downs Local Plan (SDLP). The SDLP is a landscape-led plan, with ecosystem services (at its heart). The SDLP will provide a comprehensive development plan document to cover the whole of the National Park, and will include a policy to address all types of development, with the exception of minerals and waste.
- 3.2 The purpose of this SCG is to demonstrate clearly and concisely how the strategic cross-boundary matter of meeting objectively assessed housing needs has been and will continue to be jointly addressed and on how points of disagreement between the parties are being positively resolved. Further detail will be given in the South Downs National Park Duty to Cooperate Statement, and in the jointly prepared documents referred to below.

¹ East Hampshire District Local Plan: Joint Core Strategy (Adopted June 2014)

² East Hampshire Strategic Housing Market Assessment and Local Housing Requirements Study (NLP, 2013)

³ South Downs National Park HEDNA (GL Hearne, 2017)

4. Addressing unmet housing need in the context of the JCS

4.1 The JCS confirmed an objectively assessed housing need (OAN) for the whole of East Hampshire district of a minimum of 592 dwellings per annum for the period 2011-2028. In 2015, a Memorandum of Understanding (MoU) was signed by both authorities which committed to meeting the OAN for East Hampshire which equated to a minimum of 10,060 dwellings over the Plan period. It was recognised and agreed at that time that based on the environmental constraints within the National Park an appropriate apportionment for doing so would be as follows:

- 1,694 dpa within the National Park (i.e. 100 dpa)
- 8,366 dpa outside of the National Park (i.e. 492 dpa) (which included 71 dpa unmet need from the SDNP)

4.2 The JCS Spatial Strategy for Housing Policy (CPI0) set out broad area apportionments to be identified through the East Hampshire District Local Plan: Housing and Employment Allocations, the South Downs Local Plan and Neighbourhood Plans:

- a minimum of 700 dwellings at Alton and Horndean and Petersfield;
- a minimum of 200 dwellings at Clanfield;
- a minimum of 175 dwellings at both Liphook and Four Marks/South Medstead;
- a minimum of 150 dwellings at both Liss and Rowlands Castle;
- a minimum of 150 dwellings at other villages outside the National Park;
- a minimum of 100 dwellings at other villages in the National Park.

4.3 Since the adoption of the JCS, the two authorities have continued to work in partnership to ensure that strategic planning issues are properly and holistically addressed. Examples are given in the Duty to Cooperate Statement.⁴

4.4 Given the commitments set out in the MoU (albeit these were based upon assessments carried out some time ago and in a different context of a JCS and no Neighbourhood Plans), the SDNPA has produced a housing trajectory for the JCS period (2011-28), which is specific to the part of East Hampshire falling within the National Park. This is attached at Appendix I and summarised in the Table I below. It should be noted that revised assumptions have been made in respect of the rate of discount applied to extant planning permissions and site allocations, reflecting a historically low lapse rate within the East Hampshire area, as shown in Appendix 2. These assumptions are equivalent to the EHDC 5 Year Housing Land Supply (as of 1st April 2017) published 28th Aug 2017, meaning that the resulting figures are directly comparable to the trajectory for East Hampshire district outside the National Park and more closely reflect the evidence for East Hampshire. However as a result these figures are not directly comparable to the South Downs AMR 2017 (Indicators JCS2 and JCS3) which instead used National Park-wide assumptions, applied to the whole SDLP period (2014-33) consistent with other areas.

⁴ South Downs National Park Duty to Cooperate Statement, 2017

Table I Housing Supply in the South Downs part of East Hampshire District Council

	A ¹	B	C	D ²	E	F
District	Provision made in the SDLP (Policy SD26)	Completions in first 6 years of JCS period (2011-12 2016/17)	Unimplemented Planning Permissions	Windfall Allowance	Total Provision (A+B+C+D) (JCS period 2011-2028)	Average Per Annum (E/17 years)
East Hampshire	932	396	188	162	1,678	99

¹ Column A includes site allocations in the draft South Downs Local Plan, and the made Petersfield, Liss and East Meon Neighbourhood Plans. This figure excludes 97 of the homes to be delivered in Petersfield, Liss and East Meon which are assumed to come forward in the period 2028-2033 and therefore do not fall within the totals above relating to the JCS period. It also excludes 81 net dwelling completions on sites allocated in Petersfield which are instead included in Column B.

²Windfall is based on average annual figure over a 10 year period (Apr 2006 to Mar 2016) which calculates as 24 dpa – a figure for windfall is not applied for the first 2 years going forward (i.e. 100% discount for 2017-18 and 2018-19) and a figure of 18 dpa applied thereafter (i.e. 24 discounted by 25%).

4.5 Key points to note are:

- a) Over the period 2011-28, it is expected that 1,678 homes will have been delivered in the National Park within East Hampshire, equivalent to 99 dwellings per year on average. This is just 16 dwellings short of the MoU commitment, equating to just 1 dwelling per year.
- b) The supply of homes through as-yet unimplemented site allocations in the East Hampshire within the SDNP area during the JCS period totals 932. This consists of 707 homes allocated through the made Petersfield Neighbourhood Plan and not yet completed, 90 provided for in the Liss and East Meon Neighbourhood Plans, and 135 proposed to be allocated in the SDLP, or identified in the SDLP for inclusion in emerging neighbourhood plans.

4.6 It is agreed that the JCS commitments and the commitments made in the MoU relating to housing need and supply are being met up to 2028. Therefore the objections made by EHDC to the Pre-Submission SDLP in relation to deficient housing supply in the National Park in the period 2011-2028 are duly withdrawn.

5. Addressing unmet housing need beyond 2028

5.1 It is agreed between the parties that it is not appropriate to seek to meet the full OAN in the South Downs National Park, given Government policy and the background of a landscape – led plan as described above. It is agreed that the two authorities will continue to work closely together to address future housing needs beyond 2028. This work will commence as part of the EHDC Local Plan Review and going forward will inform any future review of the SDNPA Local Plan.

6. Gypsies, travellers and travelling showpeople

6.1 East Hampshire District Council has completed a GTAA for the entire District, the outcomes of which will be used to update policy SD33 of the SDLP.

7. Wealden Heaths Phase II SPA monitoring

7.1 EHDC and the SDNPA have agreed joint monitoring of net additional residential development within 400m buffer zone of the Wealden Heaths Phase II SPA to ensure that jointly we do not exceed the threshold of 43 dwellings from a base date of April 2011.

7.2 It has been mutually agreed by the authorities that relevant allocations in a Regulation 19 Local Plan will be treated as commitments and be counted towards the 43-windfall allowance, to ensure that allocations remain deliverable.

7.3 In the case of the Regulation 19 SDNPA Local Plan, Policy SD74 allocates Land at Fern Farm, Greatham for 4 permanent Gypsy and Traveller pitches and this site is located within 400m of the Wealden Heaths Phase II SPA. EHDC and SDNPA have included this site within the joint monitoring calculations and therefore it counts towards the 43 windfall dwellings.

8. Other matters

8.1 Representations have been made by EHDC to the pre-submission SDLP on detailed wording matters. This SCG addresses only the strategic cross-boundary matter of housing.

Signed on behalf of East Hampshire District Council	<i>Angela St. James</i>
Date	<i>6th March 2018</i>
Position	<i>Portfolio Holder for Planning</i>

[Handwritten signature]

Signed on behalf of the South Downs National Park Authority	<i>NEVILLE HARRISON</i>
Date	<i>8/3/18</i>
Position	<i>CHAIR PLANNING COMMITTEE</i>

South Downs Centre, North Street,
Midhurst, West Sussex, GU29 9DH

T: 01730 814810

E: info@southdowns.gov.uk

www.southdowns.gov.uk

Chief Executive: Trevor Beatie

**Appendix 2 Planning permissions lapse rates across East Hampshire District
(including the SDNPA)**

Small Sites										
Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Total
Lapsed	22	19	27	11	2	14	18	10	0	123
Net Outstanding	554	508	454	291	299	350	352	346	346	3500
Total	576	527	481	302	301	364	370	356	346	3623
%	3.82%	3.61%	5.61%	3.64%	0.66%	3.85%	4.86%	2.81%	0.00%	3.39%

Large Sites										
Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Total
Lapsed	0	26	0	27	2	28	12	52	20	167
Net Outstanding	1154	1127	1100	1195	1381	1193	2670	6054	6279	22153
Total	1154	1153	1100	1222	1383	1221	2682	6106	6299	22320
%	0.00%	2.25%	0.00%	2.21%	0.14%	2.29%	0.45%	0.85%	0.32%	0.75%

Overall										
Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Total
Total Lapsed	22	45	27	38	4	42	30	62	20	290
Total Outstanding	1708	1635	1554	1486	1680	1543	3022	6400	6625	25653
Total Net Outstanding	1730	1680	1581	1524	1684	1585	3052	6462	6645	25943
%	1.27%	2.68%	1.71%	2.49%	0.24%	2.65%	0.98%	0.96%	0.30%	1.12%