



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

TOPIC - NEW FOREST LOCAL PLANS - REQUEST UNDER THE DUTY TO COOPERATE'

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Legal Services Manager, the Chief Executive and the Strategic Director: Resources are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

Contact Officers:

Case Officer: Steve Opacic, sopacic@winchester.gov.uk, 01962 848 101

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SUMMARY

Local planning authorities are required to identify and plan for the 'objectively assessed housing needs' of their areas. They also have a 'duty to cooperate' on planning issues that cross administrative boundaries, particularly strategic priorities such as homes, jobs and infrastructure. Where an authority is unable to provide sufficient housing (or other development), having exhausted all reasonable options, it may approach neighbouring authorities and other bodies under the 'duty to cooperate' to seek their assistance.

The City Council has recently been approached by New Forest District Council and New Forest National Park Authority giving notice that they may/will need to request help with the provision of housing to meet their 'objectively assessed needs' under the duty to cooperate. The National Planning Policy Framework (NPPF) expects local authorities to show evidence of having effectively cooperated in producing their plans, as part of the examination of a plan's soundness. This should result in a final

position where plans are in place to provide the land needed for projected levels of development.

The City Council, therefore, needs to consider and formally respond to these requests. This report discusses the issues and concludes that the City Council has already worked cooperatively through the partnership for Urban South Hampshire (PUSH) to identify and meet strategic priorities. The City Council expects to take account of the latest 'PUSH Spatial Position Statement' in its Local Plan Review, which will result in it planning for housing numbers that are considerably in excess of its own objectively assessed housing need. As for wider needs in the Southampton housing market area, it is proposed that the City Council responds with evidence to indicate that the non-PUSH part of the District is in a separate housing market area which is unrelated to the New Forest and its development needs.

DECISION

That the City Council's Chief Executive responds to the requests from New Forest District Council and New Forest National Park Authority, highlighting that the City Council is already doing all that is necessary to assist through its involvement in the Partnership for Urban South Hampshire.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The New Forest local authorities have worked closely on their respective local plans, which are both at an advanced stage ('Pre-Submission' versions due to be published in early/mid 2018). They have previously highlighted their concerns under the duty to cooperate to the City Council and other authorities. The recent letters give more formal notice that they are looking for help under the duty to cooperate and have been sent also to the following local authorities in addition to Winchester:

- Southampton City Council
- Test Valley Borough Council
- Eastleigh Borough Council
- Fareham Borough Council
- Christchurch & East Dorset Councils
- Bournemouth Borough Council
- Poole Borough Council
- Wiltshire Council

The letters are attached at Appendix 1 and set out the issues faced by the New Forest authorities. The authorities held an officer workshop with neighbouring councils (including Winchester) on the issues in September 2017 where they detailed the work they had done to try to identify sufficient sites to meet their objectively assessed needs. It was clear from this that the authorities are heavily constrained and have undertaken substantial work to identify realistic options. While there are inevitably sites that have been rejected, and which could potentially be

developed, the City Council is not in a position to assess these - this will be a matter that the Inspector who examines the respective local plans will need to consider.

The New Forest authorities have updated their work on objectively assessed needs, which has resulted in the objectively assessed need reducing in scale. New Forest District Council say that they could now meet the revised level of need (521 dwellings per annum), but highlight two caveats which may mean they still need assistance under the duty to cooperate. Firstly, they refer to the Government's consultation on a standardised methodology for determining housing needs, which could increase the level of need to 965 dwellings per annum. Secondly, they point out that part of their housing supply involves the release of sites in the Green Belt (about 1400 dwellings), which the Housing White Paper indicates should only be released after other options have been examined, including whether other authorities can help (although the NPPF does not require this).

New Forest National Park Authority's updated level of housing need has reduced to 63 dwellings per annum, but they still expect not to be able to identify sufficient sites and estimate a shortfall of about 23 dwellings per annum (460 dwellings over the local plan period).

The New Forest authorities have approached other authorities who they feel are in the same 'housing market areas' as themselves. In Winchester's case this is the Southampton Housing Market Area (HMA). They refer to their joint Strategic Housing Market Assessment (SHMA) to suggest that Winchester and the western part of the New Forest fall within the Southampton HMA. However, this conclusion is based on DCLG research from 2010, whereas the more detailed analysis in the New Forest SHMA considers other sources of information and studies that refine the housing market areas. These suggest that the southern parts of Winchester are within a PUSH (Partnership for Urban South Hampshire) housing market area, with the northern parts of the District falling within a Central Hampshire HMA.

This is reflected in other SHMAs, including for Winchester, South Hampshire (PUSH) and the South Downs National Park. Therefore, it is proposed that the City Council responds by pointing out that it is only the southern part of Winchester District that is in the same HMA as part of the New Forest. PUSH has assessed the housing needs of this area and produced a PUSH Spatial Position Statement indicating how this can be met for much of the period covered by the New Forest plans. The PUSH Position Statement proposes that Winchester should accommodate considerably more housing than its own 'objectively assessed need' and this conclusion will need to be taken into account when the City Council undertakes its own Local Plan Review.

The City Council has, therefore, already worked with the other authorities in the South Hampshire HMA (which include New Forest District Council but not New Forest National Park) to identify and meet objectively assessed housing needs. All the PUSH authorities worked hard to identify sufficient sites to meet the identified needs and they will need to continue to do this in reviewing their own local plans.

As for the northern part of Winchester District, outside PUSH, all recent SHMAs have indicated that this is within the Central Hampshire HMA. The New Forest SHMA itself concludes that *'the pattern of housing markets in and around the South Hampshire/New Forest area as identified through previous research remains a reasonably sound foundation'* and that *'the New Forest area shares strong interactions with other parts of south Hampshire, and particularly Southampton'*. Accordingly, it is not accepted that the non-PUSH part of Winchester forms part of the same HMA as the New Forest and therefore it should not be asked to assist the New Forest authorities in meeting their housing needs under the duty to cooperate.

Part of the process of examination of local plans by an Inspector is an assessment of whether the authority has adequately met the duty to cooperate. If it has not adequately demonstrated this the Inspector cannot correct it and would have to find that the plan does not meet the legal requirements. It is, therefore, important for the New Forest authorities that they approach other councils under the duty to cooperate, and for the City Council to show that it has taken account of such requests in developing its own Local Plan Review. However, there may be an opportunity for the City Council to promote the response recommended above through the examinations of the New Forest plans, in order to seek to persuade the Inspector(s) that Winchester should not be asked to assist in the first place.

If the Inspector(s) conclude that Winchester should explore opportunities to assist, it is unlikely that they would specify the scale of the shortfall that should be addressed. This would become a matter that Winchester would need to show that it had properly addressed when it came to its own examination. That would provide an opportunity either to make provision to assist the New Forest councils or to demonstrate that it is not necessary/possible to identify any additional provision.

It is, therefore, recommended that the approach set out above would minimise the risk to the Council, although there remains a risk that Winchester would need to seek to assist under the duty to cooperate.

RESOURCE IMPLICATIONS:

The request from the New Forest authorities has implications for resources within the Strategic Planning Team, which will have to respond to the requests, possibly amplify this at the local plan examinations, and potentially deal with them in Winchester's Local Plan Review. However, these areas of work fall within what the Team would normally expect to cover and can be accommodated within the approved staff establishment.

CONSULTATION UNDERTAKEN ON THE DECISION

This report results from requests by other authorities so it has not been possible or necessary to undertake public consultation. The Portfolio Holder for Built Environment has been consulted on the draft decision.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED
FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION
NOTICE**

n/a

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR
OFFICER CONSULTED**

None.

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 18.12.17

Councillor Caroline Brook – Portfolio Holder for Built Environment

APPENDICES:

Appendix 1 – Letters from New Forest District Council & New Forest National Park Authority

Appendix 1

Letters from New Forest District Council and New Forest National Park Authority



Chief Executive

Bob Jackson

My Ref: BJ/LE/DL

Your Ref:

Date: 27 November 2017

The Chief Executives of:
Southampton City Council
Test Valley Borough Council
Eastleigh Borough Council
Winchester City Council
Fareham Borough Council
Christchurch and East Dorset Councils
Bournemouth Borough Council
Borough of Poole
Wiltshire Council

Dear Colleague

**NEW FOREST DISTRICT (OUTSIDE THE NATIONAL PARK) LOCAL PLAN REVIEW
2016 -2036**

New Forest District Council is reaching an advanced stage in the preparation of its Local Plan Review, which will cover the period from 2016 to 2036. The geographical area of plan coverage is New Forest District Council's area excluding the area within the National Park.

In reviewing the Local Plan, the most significant issue this Council has had to address is achieving a step change in housing growth compared with previous regional planning policies for development restraint in this area. The Council's position is that it wishes to plan positively to address the need for new housing development within its planning area as far as it is able to do so. With the evidence base nearing completion we are now in a position where it has become clear the extent to which the housing needs of the plan area can be met.

From an early stage in our plan preparation we have been aware of the potential difficulties of addressing the full extent of 'objectively assessed (housing) needs' within a plan area that is subject to very significant environmental and planning constraints, including Green Belt. This issue, along with other cross-boundary issues, has been discussed at various officer liaison meetings with other local authorities, including your authority, within our shared housing market areas from an early stage of plan preparation. Most recently, I am grateful for your authority's participation in a series of meetings with my officers and officers from the National Park Authority to informally discuss the work undertaken within New Forest District and National Park to establish the levels of new housing development that could be delivered within the District to 2036. At these meetings, in respect of New Forest District outside of the National Park, we informed your officers that this Council expected to be able to make provision for around 10,000 new dwellings between 2016 and 2036. To provide for this level of housing development, the District Council will include proposals to release land

from the Green Belt for housing development in its plan. However, even with the release of Green Belt land for development, the provision figure represented a shortfall against the assessment of 'objectively assessed need' in the New Forest Strategic Housing Market Assessment published in 2014 . (This shortfall would be in the order of some 2750 dwellings in relation to New Forest District outside the National Park). We therefore had expected to have to make a formal request to your Council for assistance in meeting a potential shortfall of housing supply within our Plan Area.

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However, over the past few weeks we have been able to review our position. The Council (again with the New Forest National Park Authority) has commissioned an updated assessment of Objectively Assessed Housing Need (OAN) for the area (October 2017). On the basis of the analysis carried out, it is concluded that the OAN is for 521 dwellings per annum (over the period 2016 to 2036) in the New Forest District outside the National Park; a total of 10420 dwellings over the twenty year plan period. (This study can be viewed on the Council's web site at: <http://www.newforest.gov.uk/CHttpHandler.ashx?id=35575&p=0>). With the further and more detailed assessment of potential site allocations we are currently undertaking, and on the assumption that the 2017 assessment of OAN for the District and National Park is accepted as an appropriate methodology for assessing OAN for this area (and an appropriate basis for establishing the housing requirement of the Local Plan Review), there is now the prospect that this Authority will be in the position of submitting a Local Plan which is on target to address the identified level of housing need within its plan area. This being the case there would not be a need, under the Duty to Co-operate, for this Authority to seek assistance from your Authority in meeting unmet housing requirements arising from our Plan Area.

There are however, two caveats to the above position. As you will be aware, in September 2017 the Government consultation paper "Planning for the right homes in the right places" proposed a new standardised methodology for assessing OAN for housing. While the consultation paper recognised that available data does not allow local housing needs to be calculated using the standard method where local planning authorities do not align, such as in areas with National Parks, it nonetheless published a calculation for New Forest District estimating that under the proposed new formula there would be a requirement for 965 dwellings per annum in New Forest District between 2016 and 2026, a very significant increase. We consider there are significant issues relating to the proposed methodology. However, in the event that this methodology is confirmed and considered an appropriate basis for establishing OAN for New Forest District, we need you to consider what assistance your authority may be able to offer to help meet the housing need we are unable to address in our plan area. This could be for a very significant number of dwellings (est. 5,000-6,000). As we have already stated above, in seeking to plan for a target of 521 dwellings per annum, this Authority will have already maximised the extent to which housing provision can be made in this district without causing significant adverse environmental impacts.

Further, as stated earlier in this letter, the Council is proposing a number of sites within the Green Belt for housing development, which will in total accommodate around 1400 dwellings. It needs to be recognised that the Government have reiterated its intention to maintain existing strong protections for the Green Belt, and has clarified that Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their

identified housing requirements. The White Paper published in February 2017, 'Fixing our broken housing market' stated in para.1.39 that:

"...authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:exploring whether other authorities can help to meet some of the identified development requirement." We therefore need to ask your Authority to consider whether there is any non-Green Belt land within your administrative area which would be available and suitable to address unmet housing needs of New Forest district as an alternative to the release of Green Belt land.

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This letter has focused on the issue of Local Plan housing provision. However, I am aware that our officers have also been collaborating on a number of other cross-boundary issues, dealing with matters such as mitigation of the impacts of development on European nature conservation sites, especially the New Forest Natura 2000 site and River Avon water quality issues, and infrastructure. I hope that our authorities will be able to prepare a Statement of Common Ground regarding these matters.

I would welcome your Authority's comments on this letter and, in particular:

- a.) Your views on this Council promoting a strategy based on the Objectively Assessed Housing Need Study 2017 by JG Consulting, which includes an assessment that the objectively assessed housing need figure for this plan area should be 521 dwellings per annum over the period 2016 to 2036.
- b.) Your views on the potential assistance your Authority may be able to provide in terms of helping to address 'unmet housing needs' from this area, either to avoid the release of Green Belt land for development, or to address a housing requirement set higher than 521 dwellings per annum, for example by application of the proposed national standardised methodology.

I would appreciate a response to this letter by 20th December. If it would help, please do not hesitate in contacting myself or my Local Plan Team if you would like to discuss this letter further before responding.

Yours sincerely

Bob Jackson
Chief Executive

Tel: 023 8028 5588
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Jenny Nell
Head of Strategic Planning
Winchester City Council
BY EMAIL ONLY

21 November 2017

Dear Jenny

Duty to Co-operate - New Forest National Park Local Plan Review

The National Park Authority is in the process of preparing its Regulation 19 Submission draft Local Plan which will cover the period 2016 – 2036. The final 6-week public consultation is due to commence early in the new year, prior to the submission of the draft Plan to the Secretary of State in Spring 2018.

As part of the Plan-preparation process, Authority officers met with all of the local planning authorities surrounding the National Park during the course of 2017 to discuss strategic cross-boundary matters. This included (but was not limited to) discussions around the delivery of housing to meet identified needs. The importance of these discussions has been further emphasised by the Government's recent consultation on '*Planning for the right homes in the right places*' (September 2017). These consultation proposals include a standardised methodology for calculating local authorities' housing need; and details on the requirement for statements of common ground to improve how local authorities work together to meet housing and other needs across boundaries.

Meeting Objectively Assessed Housing Needs

The Government's proposals recognise under the sub-heading '*Deviation from the new method*' that where local planning authorities do not align with local authority boundaries - such as National Parks - data does not allow local housing needs to be calculated using their proposed standard methodology. Paragraph 45 of the consultation document states that in these cases, planning authorities (including national park authorities) should continue to identify a housing need figure locally, having regard to the best

available information on anticipated changes in households as well as local income levels.

Previous SHMA work has concluded that the New Forest National Park includes land within three Housing Market Areas focused on Southampton; Bournemouth & Poole; and Salisbury, but that there is no separate New Forest Housing Market Area. The National Park Authority – working in partnership with our neighbouring planning authority New Forest District Council – commissioned an updated review of objectively assessed housing needs arising in the combined New Forest area (District and National Park) in Autumn 2017. This updated assessment was undertaken by Justin Gardner Consulting and was based on the most recent official projections. The updated assessment concluded that the objectively assessed housing need arising in the National Park area (which includes land within New Forest District, Wiltshire Council and Test Valley Borough) is 63 dwellings per annum. This figure is based on projected (trend-based) demographic needs, with an additional 15% to take account of market signals. This need figure equates to 1,260 additional dwellings in the National Park over the Plan period 2016 – 2036.

As part of our Local Plan review process, the Authority is proposing to allocate land for development for the first time since the National Park was designated and is also working co-operatively with New Forest District Council on the emerging proposals for the comprehensive redevelopment of the Fawley Power Station site. However, given the level of protection afforded to both the landscape of the New Forest National Park (as per paragraph 115 of the NPPF) and its habitats (over 50% of the Park is designated as being of national and/or international importance for nature conservation), it is clear that meeting the full objectively assessed housing need within the nationally protected landscape of the National Park will not be possible. This issue has been raised at various officer liaison meetings with planning authorities within the same housing market areas surrounding the National Park over the last year.

In terms of quantifying the likely extent of the shortfall in housing provision, our Regulation 19 Submission draft Local Plan 2016 – 2036 is likely to make provision for around 800 additional dwellings in the National Park over the Plan-period and this represents a marked increase from the adopted development plan housing target. However, against the latest available assessment of housing need (Justin Gardner Consulting, October 2017), there will therefore be a shortfall of around 460 additional dwellings over the period to 2036. This equates to around 23 dwellings per annum.

Following the discussions held over the summer (and the workshop on housing supply held jointly with New Forest District Council on 11 September in Lyndhurst), we are now at the stage in our Local Plan-making process where we need to formally request your consideration of ways in which you may assist in addressing the unmet housing need arising from the National Park as planning authorities within the Housing Market Areas that cover the Park. Therefore under the ‘duty to cooperate’ we would ask you to consider if you have land available within your Local Plan area that may be allocated for development to assist in addressing the shortfall of provision within the National Park? This request is made in the full knowledge that neighbouring authorities around the National Park are themselves facing significant development pressures and have their own challenges in meeting identified needs due to various constraints and issues with land availability.

To ensure alignment with our Local Plan timetable, **we would request a response to this letter by the end of December 2017**. Following your response we will explore with you the potential of agreeing a Statement of Common Ground on key cross boundary matters, including housing delivery. We would be happy to arrange a meeting to discuss this further if you think it would be helpful.

We look forward to hearing from you.

Yours sincerely

Steve Avery
Executive Director (Strategy & Planning)

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