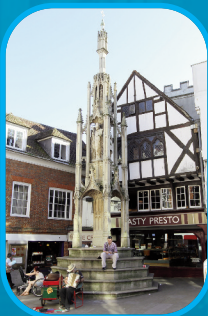


Duty to Co-operate Statement

Winchester District Local Plan Part 2: Development Management and Site Allocations



WINCHESTER DISTRICT LOCAL PLAN PART 2

DUTY TO COOPERATE STATEMENT

September 2014

1 Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended) places a legal duty on local planning authorities, county councils 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.
- 1.2 Most of the strategic issues that reach across local authority boundaries have been addressed in Local Plan Part 1 (Core Strategy). These included the District-wide needs for development including housing and employment. Nevertheless, WCC has engaged with the county council, public bodies, other statutory consultees and stakeholders in respect of Local Plan Part 2 (Allocations and Development Management) to ensure that strategic and cross-boundary issues are adequately addressed and planned for.
- 1.3 This document provides a summary of the actions taken so far under the Duty to Cooperate for Local Plan Part 2 (LPP2). The Duty to Cooperate Statement will be updated as necessary before being published as a background document to the Local Plan when it is submitted for Examination. Additional information on the consultation and front loading undertaken for LPP2 can be found in the [Consultation Statement](#), as part of the background documents for LPP2.

General Cooperation

- 1.4 19th December 2012 (Notice under Reg 18 of 2012 Local Plan Regs).
- 1.5 Official commencement of work on LPP2. This Notice was sent to statutory consultees, prescribed bodies and other interested parties including all those on the Local Plan consultation database. A 'Call for Sites' formed part of this process and participation was sought in the LPP2 process (see Consultation Statement for more details).

2 **Cooperation with neighbouring planning authorities**

- 2.1 An email was sent to all neighbouring planning authorities 11th February 2013, inviting them to meet City Council officers to discuss cross-boundary issues.
- 2.2 Meetings had been held over the course of LPP1 which covered most of the major strategic issues in relation to the other neighbouring authorities. Correspondence and discussion had taken place regarding Winchester's LPP1 and the emerging Local Plans of neighbouring authorities. Issues in relation to LPP1 have been covered in the [Duty to Cooperate Statement for LPP1](#), by responses to any representations made by the authorities (see [submission documents for LPP1 Examination](#)) and by the Inspector in his consideration of the soundness of the Plan (see [Inspector's Report](#) for details).
- 2.3 Regular meetings of Hampshire and Isle of Wight Planning Officers Group (HiPOG) and its sub-group - the Hampshire Development Plans Group (DPG) - include representatives of all Hampshire and Isle of Wight Planning Authorities and Hampshire County Council. Strategic planning issues are covered at these meetings, as are the specifics of emerging Local Plans. The Planning Research and Liaison Group (PRLG) also meet regularly to discuss issues of relevance to Development Planning within Hampshire in respect of technical research and reporting. Local Plan progress and evidence base development are standing items at this meeting. It has therefore been possible to engage with all planning authorities within Hampshire on the emerging Local Plan.
- 2.4 As detailed above, considerable consultation and cooperation had already occurred between Winchester City Council and neighbouring authorities over the development of LPP1. The Local Plan Inspector was satisfied that the Duty to Cooperate had been met, but there was a subsequent legal challenge to this conclusion and the reasoning for it, and the Council's subsequent adoption of the Plan. In its [judgement](#) of 18.03.14, the High Court (Mr Justice Sales) ruled that there had been no failure by the Inspector and that the challenge on this ground failed
- 2.5 The need to consider whether there is any unmet development need that may have to be accommodated beyond the District has therefore been addressed by the up-to-date LPP1 adopted in March 2013. This issue comprises an important component of the Duty to Cooperate and there remains no indication from neighbouring authorities of any further requirement to help meet their development needs. The regular meetings of Officer groups in Hampshire outlined above have also ensured that neighbouring authorities were aware of progress on LPP2 and have had the opportunity to raise any strategic and cross-boundary issues that they feel have since arisen.
- 2.6 Following on from this, correspondence has occurred and meetings been held with several authorities where specific issues arise that require cross-boundary

co-operation. These issues normally relate to major developments that require long-term planning and have been ongoing for a number of years. They are likely to continue beyond the publication of LPP2 and are described below:

North Whiteley

- 2.7 Major development is planned north of Whiteley, within Winchester District. Policies SH1 and SH3 of LPP1 relate to this area. The North Whiteley Forum has been established as a WCC committee, which discusses issues relating to the development of this area and includes representatives of Eastleigh Borough Council, Fareham Borough Council, Hampshire County Council and the relevant Parish Councils. Meetings have also been held with neighbouring authorities and stakeholders in relation to particular issues as they arise. These have taken place since the adoption of the Local Plan Part 1, dealing with particular technical matters such as transport, green infrastructure and design codes. The most recent meeting was held on 28.05.14 between WCC, Eastleigh Borough Council, Fareham Borough Council, Hampshire County Council (HCC) and transport consultants and discussed the transport implications (including cross-boundary) of the North Whiteley development.
- 2.8 The development of Whiteley is ongoing and the City Council will continue to cooperate with neighbouring authorities and stakeholders in relation to its development, including formal consultation on the planning application which will be made shortly. However, the strategic allocation policy for North Whiteley is contained within Local Plan Part 1 and there are no specific implications that arise for LPP2.

West of Waterlooville

- 2.9 Major development is being undertaken to the west of Waterlooville in Hampshire, which is mainly within WCC, but also has some development within Havant Borough Council. Policies SH1 and SH2 of LPP1 relate to this area. The West of Waterlooville Forum is a WCC committee, which discusses issues relating to the development and includes representatives of Havant Borough Council and Hampshire County Council. There is also a WCC/Havant BC Joint Committee which discusses and determines planning applications within the development area, whether they occur within WCC and/or Havant BC.
- 2.10 The development of the West of Waterlooville area is ongoing and the City Council will continue to cooperate with Havant BC and the local community through the Forum and Joint Committee in relation to its development. However, the strategic allocation policy for West of Waterlooville is contained within Local Plan Part 1 and there are no specific implications that arise for LPP2.

Welborne

- 2.11 A new community is planned north of Fareham. This development was previously known as the North Fareham Strategic Development Area (SDA) and is now named Welborne. The development is within Fareham BC, but is adjacent to the Winchester District. Policies SH1 and SH4 of LPP1 relate to this area. The Welborne Standing Conference meets on an ad hoc basis and provides a forum for Council Officers and Members from WCC and Fareham BC, Parish Councillors and community groups from Knowle and other stakeholders to discuss the development of the area.
- 2.12 All of the built development associated with Welborne is within Fareham Borough and an area of 'Suitable Alternative Natural Greenspace (SANGs) is being provided within WCC in relation to the Welborne development. It is important that WCC continues to cooperate with Fareham BC and other stakeholders to deliver this element. WCC will also need to continue to engage with the developers of the new community due to the scale of the proposal and its possible impact on the Winchester District, particularly in relation to traffic.
- 2.13 There are elements of the Welborne Local Plan (produced by Fareham Borough Council) with which the City Council disagrees and which it has made representations on. While the authorities have cooperated, there are matters of detail about which they do not agree, which is legitimate and will be resolved through the Welborne Plan examination and adoption process. A meeting to discuss the Welborne Plan and WCC's emerging LPP2, including the duty to Cooperate, was held with Fareham on 12.08.14. This has resulted in agreement to produce a joint Statement on Common Ground on Welborne to clarify any outstanding areas of disagreement for the examination, a commitment to continuing liaison, and agreement to work together to support SANGs in the Winchester part of the area.
- 2.14 Discussions also included the issue of whether LPP2 needed to allocate land in Winchester District for SANGs or other uses associated with Welborne and it was agreed that this was not necessary as such uses would be consistent with the countryside and settlement gap policies already in place in LPP1. Although there will be continuing liaison with Fareham and others over this development, there are not anticipated to be any implications for LPP2 at this stage.

Fareham Borough Council

- 2.15 The meeting with Fareham on 12.08.14 discussed LPP2 matters as well as the Welborne development. In addition, Fareham is involved with the development around Whiteley. The North Whiteley Forum and a specific meeting to discuss transport issues on 28.05.14 have been described above.
- 2.16 The site at Little Park Farm in the Winchester District is part of a larger allocation for employment (B1, B2, B8) uses that is mostly within Fareham

Borough. (WDLPR 2006 Policy S15 refers to the WCC area). Both the Winchester and the Fareham parts of the allocation remain undeveloped. Fareham Borough Council is taking this allocation forward into its new Local Plan and so WCC has agreed to continue with this allocation in the draft Plan (policy SHUA2). The policy includes a requirement that the site be developed in conjunction with the adjoining site in Fareham.

Eastleigh Borough Council

- 2.17 The main cross boundary issue in relation to Eastleigh relates to the by-pass which the emerging Eastleigh Borough Local Plan proposes for Botley in order to mitigate the effects of traffic in the village. Both HCC and WCC consider that, although Whiteley Way should be completed to serve the new development and provide a new link to the Botley Road, a specific by-pass for Botley is not required, either as a result of existing traffic pressure or in conjunction with the development of North Whiteley.
- 2.18 A meeting was held between WCC and Eastleigh Borough Council on 19.03.13 at which this issue was discussed. The matter has also been discussed as part of other forums regarding the North Whiteley development and discussion on transport issues in the South Hampshire area. The Memorandum of Understanding on Strategic and Community Infrastructure in Hampshire, which included WCC, Eastleigh and HCC amongst others, was agreed on 28.06.13 provided a way forward on infrastructure issues.
- 2.19 The City Council has a Duty to Cooperate with both Hampshire County Council and Eastleigh Borough Council. Despite ongoing discussions, it has not been possible to reach an agreement with Eastleigh on this issue and the City Council has based its position on the advice of the Highway Authority (HCC). This fact is acknowledged in [Eastleigh's Duty to Cooperate Statement](#) submitted with the Eastleigh Local Plan for Examination on 15.07.14. WCC set out its position in a Portfolio Holder Decision Notice of 13.12.13 and made formal representations in March 2014, including on the inclusion of a safeguarding area for a by-pass at Botley (Policy BO3) in Eastleigh's Local Plan. The City Council's comments reflect the Highway Authority's view that there is no evidence that the by-pass is necessary, viable or deliverable within the plan period.

South Downs National Park Authority

- 2.20 The South Downs National Park (SDNP) covers approximately 40% of Winchester District. Although the LPP1 covered the SDNP part of the District, the authorities have agreed that LPP2 will not apply in any of the area of the SDNP that is within the Winchester District. The SDNP Authority (SDNPA) will be producing its own Local Plan, which will cover strategic and localised matters within the boundary of the SDNP.

- 2.21 As the SDNP is partly within the Winchester District, there have been considerable cross-boundary issues arising in respect of planning for development needs and detailed site planning and delivery. Several of the settlements in Winchester which have a specific housing allocation in LPP1 adjoin the SDNP. Representatives of the SDNPA attended the parish workshop meeting in Swanmore on 12.09.13 and the proposed site allocations here and in other locations potentially affecting the National Park were discussed in detail with SDNPA officers on 07.02.14. Liaison has continued to ensure that there was no conflict between the planning strategies of the two authorities.
- 2.22 SDNPA Planning Officers conducted a briefing with WCC Members on 09.04.14 as part of the front-loading engagement for their emerging Local Plan. WCC is involved in their development of assessment of housing and other development needs for the SDNP. WCC has been involved in discussions with SDNPA regarding the development of their CIL Charging Schedule and made representations on their Preliminary Draft Charging Schedule on 23.04.14.

3 **Partnership for Urban South Hampshire (PUSH)**

- 3.1 Winchester is an active member of this group of planning authorities. The group aims to coordinate planning strategy across the area. The joint working and agreement of planning strategies across the area works to deliver strategic planning objectives. PUSH has a formally constituted joint committee and Winchester is actively involved in PUSH work.
- 3.2 PUSH developed a revised PUSH Spatial Strategy which was agreed by the constituent members in December 2012. A full review of the PUSH strategy, including rolling it forward to 2036, is underway and the City Council is working with other PUSH authorities on this. The intention is that the PUSH authorities will agree the updated strategy and reflect this in their Local Plans as necessary. Joint working has been undertaken on the areas of housing needs and provision (SHMA January 2014), economic policy (together with Solent LEP January 2014 and continuing), Green Infrastructure Strategy and Implementation Frameworks (2012).
- 3.3 Development needs for housing is a key area that benefits from this sub-regional working. The SHMA originally prepared for this area fed into WCC LPP1 as did the PUSH Spatial Strategy Review of December 2012, which set out specific housing targets for the PUSH authorities. A SHMA update and roll-forward has recently taken place (January 2014), which will feed into the review of the PUSH Strategy. The needs of the various authorities and the strategy for meeting them will be a key element of the updated PUSH Strategy and joint working will contribute substantially to meeting the authorities' Duty to Cooperate in this part of Hampshire.
- 3.4 Members and Officers attend the Joint Committee and work together on area-wide spatial planning and topic areas across the boundaries of local authorities in the PUSH area. A great deal of the work is at the strategic level and therefore more relevant to LPP1. The input into identifying and developing major sites is vital to achieve acceptable cross-boundary spatial planning. The topic-based work contributes to the development of an up-date evidence base, with various elements of work commissioned as and when necessary.

4 **Local Enterprise Partnerships and Local Nature Partnerships**

Enterprise M3 LEP

- 4.1 The Enterprise M3 LEP has a Board consisting of private and public sector members and has established 6 Action Groups which lead various projects. These Groups cover topics such as Land and Property, Transport, Rural Economy and Skills & Employment. WCC is involved in several of the Action Groups at either officer or Member level and has attended various meetings of the M3 LEP on particular matters. Planning officers have been particularly involved in the development of the Housing Needs and Provision assessment. The M3 LEP has also been formally consulted as part of the Reg 18 commencement notice in December 2012 and will be a consultee at the formal stages of Plan production.

Solent Enterprise LEP

- 4.2 WCC has cooperated with Solent LEP on the development of their Economic Strategy. This has largely been at Member level of WCC. The LEP has agreed that land use planning in this area should continue to be undertaken by PUSH, which WCC is an active member of (see above), with input on economic matters from the LEP. Solent LEP has also been formally consulted as part of the Reg 18 commencement in December 2012 and will be a consultee at the formal stages of Plan production.

Hampshire and Isle of Wight Local Nature Partnership (HioWLNP)

- 4.3 This organisation has been in existence since 2012 and had its first board meeting in March 2013, after the initial Reg 18 consultation commenced. WCC is one of the supporting partners of the Partnership and is in contact with the members of the partnership, though mainly through HCC. The Partnership is still a developing organisation, however WCC will take into account any plans and projects as they develop. Nature conservation issues are also being addressed through work with Natural England and HCC (Hampshire Biodiversity information Centre), as well as within the Sustainability Appraisal and Habitat Regulations Assessment.

Marine Management Organisation

- 4.4 WCC has been in correspondence with the Marine Management Organisation with regard to their development of plans for south marine planning area. A WCC email of 17.06.13 responded to the MMO request for information to assist with scoping relevant marine policies. The response described the main policy areas of LPP1 and saved 2006 WDLPR that may have an effect on the marine planning. The City Council's area which is 'coastal' is minimal (the tidal part of

the River Hamble) and the MMO has not indicated that there are any issues which it would expect LPP2 to address.

5 **Infrastructure Delivery Agencies**

- 5.1 The Local Plan tests of soundness include consideration of whether plans are deliverable. The Duty to Cooperate seeks engagement with infrastructure delivery agencies to ensure deliverability. Consultation with statutory consultees and public bodies on issues such as transport, the built and natural environment, health and community service providers is also necessary to secure appropriate strategic planning. General consultation is also covered by the Consultation Statement prepared for this Draft Reg 18 Local Plan.
- 5.2 Infrastructure and service providers were consulted as part of the Reg 18 commencement notice of 19.12.12. Aside from this, correspondence has taken place and meetings have occurred on specific issues and/or parts of the District where necessary.
- 5.3 In particular, a letter was sent to the Environment Agency (EA), English Heritage (EH), Natural England (NE), the water companies (Thames, Southern, Portsmouth and Albion Water), Hampshire Biodiversity information Centre (HBiC) and Hampshire Highways on 01.04.14, inviting their views on potential site allocations for LPP2.
- 5.4 Replies have been received from all of the above with the exception of Albion Water (whose interest relates only to the area around Welborne and Knowle). This has generally taken the form of informal advice, raising general matters of policy that the consultees wish WCC to take into account in LPP2. The consultees raise particular site-specific issues in some cases. These issues have been taken into consideration as part of the development of policies and allocations for LPP2. The various statutory consultees and utility providers will also be consulted at the formal stages of Plan production.

Hampshire County Council - Infrastructure

- 5.5 WCC and HCC have taken due regard to their mutual Duty to Cooperate. Meetings are held in relation to particular issues and sites as necessary. Both HCC and WCC are members of officer groups that discuss sub-regional issues (e.g. HiPOG, DPG, PRLG). In addition, HCC and WCC are part of other groups that discuss particular issues or large-scale developments e.g. the North Whiteley and West of Waterlooville Forums. Other examples of these include Planning for Urban South Hampshire (PUSH) meetings and working groups, and Transport for South Hampshire and Isle of Wight (TfSHIOW).
- 5.6 HCC has set out its policy on strategic infrastructure in relation to transport, education, waste planning, energy infrastructure, flood matters, countryside schemes and social and community infrastructure in the Hampshire Strategic Infrastructure Statement of December 2013. WCC has contributed to and had regard to this in developing LPP2. Winchester has also signed up to the Memorandum of Understanding on Strategic and Community Infrastructure in

Hampshire (28.06.13), which outlines the approach to the delivery of social and community infrastructure.

- 5.7 Correspondence and meetings have occurred with HCC in relation to two particular issues –

Transport

- 5.8 A meeting was held on 07.04.14 to discuss transport infrastructure issues in relation to potential site allocations for LPP2. HCC provided informal advice on 15.04.14 in relation to the potential site allocations. Detailed discussions are continuing in relation to particular site allocations where necessary. HCC will also form part of any continuing discussions on Welborne, North Whiteley, and Botley in relation to transport matters.

Education

- 5.9 A meeting was held on 18.11.13 to discuss potential education needs arising from the development which LPP2 needed to plan for. The distribution of development was considered not to need any additional land, aside from that already identified in strategic allocations and at Waltham Chase. Further details on the need for any education expansion were contained in informal advice provided on 28.02.14. Further discussions will continue as necessary, particularly on the strategic sites, where new primary schools are being developed. Implications for LPP2 have been identified at Waltham Chase, where land for expansion of the school is allocated, and the need for developer contributions towards the expansion of other schools has been highlighted in the proposed site allocations here, and in several other larger settlements.

6 **Projects**

- 6.1 Work on various projects occurs regularly between WCC and other Hampshire local planning authorities. These contribute to the development of evidence bases and inform policies as appropriate. Two particular areas are currently ongoing and relevant to LPP2.

Gypsy and Traveller Needs and Site Assessments

- 6.2 WCC worked with other authorities in Hampshire on the 2013 Travellers Accommodation Assessment for Hampshire, which identified the need across the area for gypsy and traveller pitches. This figure has now been included in the draft LPP2 (policy DM 4).
- 6.3 However, the location of sites is still to be determined. One site has been identified at Colden Common (policy CC2 refers), but other potential sites were not taken forward following consultation. However, WCC jointly with East Hampshire District Council and the South Downs National Park Authority has commissioned consultants to assess all potential sites for traveller accommodation. The results of this assessment will be subject to consultation and sites will be allocated as necessary in LPP2.
- 6.4 The Accommodation Assessment also assessed the need for transit pitches within the Hampshire study area and split this need into two functional areas; 'western' and 'eastern'. The Eastern area covers Fareham, Gosport, Havant East Hampshire and Winchester (including the areas within the South Downs National Park). WCC will work with other authorities in this area to address the needs identified.

Solent Recreation Mitigation Project

- 6.5 WCC is working with other PUSH authorities, Chichester District Council, New Forest National Park, South Downs National Park non governmental conservation organisations and Natural England to agree a mitigation strategy to address issues that have been highlighted under the Habitat Regulations. These relate to recreation pressures where planned housing development is likely to have a significant effect on sites of international importance for nature conservation in the Solent.
- 6.6 Work commenced on this in 2009 and the development of a strategy is nearing completion. WCC is now seeking financial contributions from relevant developments to support an Interim Mitigation Strategy. Policy CP16 in LPP1 covers biodiversity issues, including mitigation. The introduction to LPP2 sets out the approach being taken on the mitigation strategy and where contributions will be sought. This is also referred to in the relevant areas of the Market Towns and Larger Villages Chapter.. WCC is continuing to work with

the other authorities and bodies on the development of a long-term comprehensive mitigation strategy.

- 6.7 This statement represents a summary of Duty to Cooperate actions leading to the publication of the Draft Reg 18 LPP2 for consultation, in October 2014. Cooperation is continuing on the development and implementation of the Plan and an updated Duty to Cooperate Statement will be prepared for the submission of LPP2 for Examination.

September 2014.

