



DUTY TO COOPERATE STATEMENT

October 2017

Duty to Co-operate Statement

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1.0 Introduction

- 1.1 The Localism Act and National Planning Policy Framework (NPPF) places a legal duty on Local Planning Authorities (LPA's), 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 The duty relates to sustainable development or use of land in connection with infrastructure which is strategic and that would have a significant impact on at least two local planning areas, or on a planning matter that falls within the remit of the county council.
- 1.3 The Draft Fareham Local Plan 2036 has been prepared with full regard to the NPPF and PPG, including the Duty to Cooperate. The Draft Fareham Local Plan 2036 provides the overarching spatial strategy for the Fareham Borough guiding the location, scale and type of future development up until 2036, as well as providing detailed development management policies.

Purpose of the Statement

- 1.4 This Duty to Cooperate statement accompanies the Draft (Regulation 18) Fareham Local Plan 2036. It has been prepared in accordance with the NPPF and accompanying guidance. This statement sets out how the Council have carried out the Duty to Cooperate in preparing the Draft Local Plan. The purpose of this statement is to provide an overview of the key issues under the Duty to Cooperate, particularly in relation to neighbouring planning authorities and other public bodies to date.
- 1.5 The report sets out the legal and national planning policy background to the Duty to Cooperate and the strategic context, information on how the Council have worked with other neighbouring authorities and public bodies, particularly PUSH, the Solent LEP, LNP and details of relevant projects that have required cooperation.
- 1.6 The Duty to Cooperate is ongoing until the submission of the Fareham Borough Local Plan 2036 to the Secretary of State for examination, therefore full details of joint working outcomes will be provided in an updated Duty to Cooperate statement at the time of submission.

2.0 Legal and Policy Context

- 2.1 The Duty to Cooperate is set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011). The Duty applies to all Local Planning Authorities (LPA's), county councils and a number of other 'prescribed' bodies. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out who those prescribed bodies are.
- 2.2 LPA's, county councils and 'prescribed' bodies are required to engage constructively with each other to address strategic matters relevant to their areas in the preparation of a development plan document.

National Planning Policy Requirements

- 2.3 The NPPF states that strategic priorities across local boundaries should be properly coordinated and clearly reflected in individual Local Plans.
- 2.4 In addition, Paragraph 178 – 181 of the NPPF specifies the requirements in relation to the Duty to Cooperate. The Framework sets out where collaboration amongst public bodies is expected and gives further guidance on planning strategically across local boundaries. It also requires demonstration that the plan is deliverable and is based on effective joint working on cross boundary strategic priorities. This is also reinforced in the Planning Practice Guidance, which sets out what is required and gives further guidance on the Duty to Cooperate.
- 2.5 Local Planning Authorities are expected to be able to provide evidence of having successfully cooperated to plan for strategic issues with cross boundary impacts when their Local Plans are submitted for independent examination. Demonstrating the Duty to Cooperate is an important part of ensuring the soundness of local plan preparation. Cooperation should be a continuous process of engagement with key stakeholders from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and project future levels of development within the Borough.
- 2.6 Joint working should enable LPA's to work together to meet development requirements which cannot wholly be met within their own work areas. For instance, where there is a lack of physical capacity. As part of the duty, authorities should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure plans.

3.0 Strategic Context

- 3.1 The NPPF and PPG highlights that LPA's have a duty to cooperate on planning issues that cross administrative boundaries.
- 3.2 Fareham Borough Council share administrative boundaries with Gosport, Eastleigh, Portsmouth and Winchester. The Council's ongoing integrated planning is undertaken in the context of, and is driven by, the cooperative arrangements discussed in Chapter 4. Fareham is a lower-tier authority and forms a two-tier system with Hampshire County Council forming the upper tier and providing public services including education, highways, libraries and social services. Fareham Borough Council has co-operated with partner authorities in south Hampshire, as detailed in Chapter 4, and public bodies for a number of years.



Figure 1: Location of Fareham Borough

- 3.3 In relation to Fareham Borough, the bodies prescribed for the purpose of section 33A(1)(c) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 are:

- Hampshire County Council
- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes and Community Agency
- Fareham and Gosport Clinical Commissioning Group
- Office of Rail Regulation
- Highways England
- Marine Management Organisation

- Solent Local Enterprise Partnership (LEP)
- 3.4 The above bodies will be consulted at formal stages in the Local Plan preparation. In some instances, more detailed discussions have already taken place with some of the bodies when relevant to specific matters of the plan content.
- 3.5 The Council is also a member of the Partnership for Urban South Hampshire (PUSH). The partnership formed in 2003 and supports the sustainable economic growth of the sub region and facilitates the strategic planning functions necessary to support that growth. Further information is available on the Council's cooperation and membership of PUSH within section 4 of this paper.
- 3.6 Paragraph 156 of the NPPF sets out the strategic priorities for the area that should be addressed through the Draft Local Plan. This includes:
- The homes and jobs needed in the area;
 - The provision of retail, leisure and other commercial development;
 - The provision of infrastructure for transport, telecommunications, waste management, water supply, waste water, flood risk and coastal change, and the provision of minerals and energy (including heat);
 - The provision of health, security, community and cultural infrastructure and other local facilities; and
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 3.7 These are all matters covered in the Draft Fareham Local Plan, and therefore the Council is required to demonstrate cooperation with neighbouring authorities and public bodies with an interest in any of the above.
- 3.8 The Council also updated their Statement of Community Involvement (SCI)¹ in March 2017, which provides details of how the Council will carry out the Duty to Cooperate in relation to the preparation of the Local Plan.

Infrastructure Planning

- 3.9 The NPPF identifies the importance on ensuring infrastructure is considered through the plan making process. Paragraph 162 states that:
- 'Local planning authorities should work with other authorities and providers to:
- Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk, and its ability to meet forecast demands; and
 - Take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.'
- 3.10 Hampshire County Council published a Strategic Infrastructure Statement² in April 2017 in consultation with all Hampshire authorities identifying the needs for each authority, including current funding arrangements and potential future funding. The statement explains the type of infrastructure that the County Council and its partners are responsible for planning and delivering and the needs for each administrative authority.

¹ http://www.fareham.gov.uk/PDF/planning/local_plan/Adopted_CommunityInvolvement.pdf

² <http://documents.hants.gov.uk/planning-strategic/HampshireStrategicInfrastructureStatement2017.pdf>

The statement also provides details of the relevant infrastructure projects required across the county, including the Fareham Borough in the short, medium and long term, and will be updated on an annual basis.

- 3.11 In addition to the Strategic Infrastructure Statement, Officers involved in Local Plan preparation have been in dialogue with relevant officers at Hampshire County Council in relation to education and transport in particular. This allowed informal discussions to take place to ensure there were no insurmountable issues arising from development options or other key matters that needed to be considered. Discussions will continue both formally and informally as the Local Plan progresses to submission.
- 3.12 Although private sector utility providers are not covered by the duty to cooperate, the Council is aware of the need to involve them in the plan making process, in order to keep companies apprised of the Draft Local Plan, particularly in relation to housing provision. Utility providers, including private sector providers, have been consulted in the preparation of the draft Infrastructure Delivery Plan (IDP) (October 2017).

Transport

- 3.13 The NPPF states that LPA's should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure which is necessary to support sustainable development. Transport has cross boundary implications and requires a coordinated approach. The Council has worked with various public bodies in preparing the Draft Fareham Local Plan 2036 and the Transport Assessment (TA), including the Highway Authority (Hampshire County Council) and Highways England³.
- 3.14 The Council is a member of Solent Transport, which is a partnership between Hampshire County Council (on behalf of Hampshire Councils which are in the South Hampshire sub region), Portsmouth and Southampton City Councils, and aims to improve the transport for South Hampshire. In addition, the Solent Transport Group is a partner for PUSH in delivering transport infrastructure that is required to support economic and housing growth in the PUSH region. Decisions for Solent Transport are made by a joint committee which meets quarterly and is made up of Council members, officers from the 3 Councils and other partners⁴.

Minerals and Waste Planning

- 3.15 In October 2013, the Hampshire County Council Minerals and Waste Plan was adopted. The plan forms the policy basis for all future minerals and waste planning applications to be assessed and determined against. The plan also provides an important policy role in protecting the environment and communities and ensuring the local economy is supported by enabling an adequate supply of minerals over the next 20 years and sustainably managing Hampshire's waste. Following adoption of the Plan the County adopted two Supplementary Planning Documents (SPD's). The Oil and Gas Development SPD and the Minerals and Waste Safeguarding SPD were adopted in February 2016.
- 3.16 Hampshire County Council will be consulted on during the draft (Regulation 18) Fareham Local Plan in their role as minerals and waste planning authority.

³ Highways England manage the strategic road network.

⁴ Such as Network Rail, Highways England, etc.

Gypsies and Travellers

- 3.17 The Council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) has informed Policy H10 in the Draft Local Plan was produced in consultation with a number of Hampshire Authorities⁵ and identifies the need for pitches in the Borough.
- 3.18 In addition, the Council has been actively involved in discussing the Duty to Cooperate needs for Gypsies and Travellers for Winchester City Council (WCC). WCC have approached neighbouring authorities, including Fareham, to discuss opportunities for meeting their required need. Winchester City Council have scheduled meetings to discuss the required need on a 6-monthly basis.

Neighbourhood Planning

- 3.19 The Titchfield Village Trust (TVT) approached the Council in 2016 in respect of establishing a neighbourhood forum. The Council held a number of meetings with the TVT to discuss formulating a neighbourhood area for the purposes of preparing a neighbourhood plan. The Titchfield Neighbourhood Forum and the Titchfield Neighbourhood Area were designated in March 2017. The Council are proactively working with the Titchfield Neighbourhood Forum on the production of the Neighbourhood Plan.
- 3.20 The Council will be formally consulting the Titchfield Neighbourhood Forum during the preparation of the Draft Local Plan.

⁵ Gosport, Havant, Winchester, Test Valley, New Forest and New Forest National Park.

4.0 Co-operation with Neighbouring Authorities

- 4.1 There are a number of authorities that the Council liaise with in terms of meeting the duty to cooperate.

Partnership for Urban South Hampshire (PUSH)

- 4.2 A fundamental aspect of fulfilling the duty to cooperate has been achieved through the Partnership for Urban South Hampshire (PUSH)⁶. PUSH is a group of 12 authorities⁷ across the South Hampshire region with the aim of coordinating a planning strategy across the area to deliver strategic planning objectives. PUSH has a formally constituted joint committee, which is the decision-making body for PUSH, which comprises of the leaders of the member Councils, their Chief Executives and the PUSH Executive Director. There is a well-established process of strong collaborative work to plan for the south Hampshire sub-region. Fareham Borough Council is actively involved in PUSH work.



Figure 2: Map of the PUSH region

- 4.3 PUSH also have an Overview and Scrutiny Committee consisting of a councillor from each member authority, to consider referred matters on behalf of the joint committee

⁶ <http://www.push.gov.uk/>

⁷ East Hampshire District Council, Eastleigh Borough Council, Fareham Borough Council, Gosport Borough Council, Hampshire County Council, Havant Borough Council, Isle of Wight Council, New Forest District Council, Portsmouth City Council, Southampton City Council, Test Valley Borough Council and Winchester City Council.

and to make recommendations to it.

- 4.4 In addition to the committees there are a number of officer's groups which develop policy, discuss cross boundary issues and provide advice to the committees. PUSH Policy Officers Group (PUSH POG) comprises policy officers from all of the PUSH authorities to discuss amongst other items, findings of studies commissioned collectively by PUSH such as the spatial strategy for the area.
- 4.5 There are also regular meetings of the Hampshire Development Plans Group (DPG), which includes representatives of all Hampshire and Isle of Wight Planning Authorities and Hampshire County Council (HCC). Strategic planning issues are covered at DPG meetings, along with updates on the progress of emerging Local Plans. The Borough Council is an active member of PUSH POG and DPG and its officers are active participants.
- 4.6 PUSH developed a full review of the PUSH strategy in 2016, which included a Spatial Position Statement (covering the period until 2034) and a Strategic Housing Market Assessment (SHMA) (covering the period up until 2036). In addition, the SHMA was published in 2014 with an updated Objectively Assessed Housing Need (OAHN) published in April 2016, in line with advice in the PPG.
- 4.7 The Spatial Position Statement (April 2016) follows on from Objectively Assessed Need in the SHMA and proposes development targets for each local authority. This includes the location and quantum of residential development in the PUSH area, including Fareham Borough, to meet the housing requirements. The Statement replaces the South Hampshire Strategy, which covered the period from 2012 to 2026. The Position Statement is informed by a robust and co-ordinated evidence base and by substantive discussions at all levels across all PUSH authorities and other public bodies. A Process Background Paper⁸ (June 2016) was produced by PUSH to set out the process behind the preparation of the Spatial Position Statement and provides further evidence of how the 12 authorities have undertaken their Duty to Cooperate with each other, and public bodies.
- 4.8 The PUSH Spatial Position Statement is also supported by an Economic and Employment Land Evidence Base Paper, which was published in May 2016 (covering the period until 2036). The paper has been prepared to provide a background evidence base in support of policies for employment land/floorspace for the preparation of Local Plans in the South Hampshire sub region.
- 4.9 The PUSH Spatial Position statement forms a significant part of the statutory Duty to Cooperate that Council's within the PUSH administrative boundaries, including Fareham, have with each other. Both the Spatial Position Statement and the SHMA have informed the preparation of the Draft Local Plan.
- 4.10 PUSH has also commissioned and is working on a number of studies for the PUSH sub-regions dealing with:
- Climate change;
 - Strategic flood risk assessment;
 - Green infrastructure;
 - Water and waste-water infrastructure;
 - Hotel provision; and
 - Culture.

⁸ http://www.push.gov.uk/160721_final_process_document.pdf

- 4.11 PUSH has also worked in partnership with a number of organisations to deliver their vision and objectives, including the Solent LEP, the Environment Agency (EA), the Homes and Communities Agency (HCA) and JobCentrePlus.

Hampshire County Council

- 4.12 The County provides many services to the Council and there is a continuing dialogue particularly in respect of transport, adult and children's services. In addition, the County provide a number of important services to the Borough Council which are secured through Service Level Agreements. For example, this includes services provided by the Hampshire Biodiversity Information Centre.

Gosport Borough Council

- 4.13 The Council have a historic cooperation with Gosport Borough Council (GBC) on a number of planning matters that affect both administrative areas, including the Solent Enterprise Zone as set out in Chapter 3. Separate individual meetings have been held with Officers from GBC on relevant cross boundary issues. In addition, officers from GBC are part of the meetings of PUSHPOG and DPG where relevant strategic planning issues are discussed. GBC will be formally consulted as a statutory consultee on the Local Plan throughout its preparation.

Eastern Solent Coastal Partnership

- 4.14 The Eastern Solent Coastal Partnership (ESCP) is a partnership between Fareham Borough Council, Havant Borough Council, Portsmouth City Council and Gosport Borough Council. The partnership combines coastal engineers from each local planning authority into one team to manage 162km of coastline across the Solent.
- 4.15 The ESCP surveys and carries out research relating to coastal protection and sea defence, designs and supervises new sea defence and coastal protection projects, arrange and supervises coastal protection works and advises private individuals on minor problems with coastal protection and flooding. The overarching vision of the ESCP is to reduce the risk to people and the developed and natural environment from flooding and coastal erosion by encouraging the provision of technically, environmentally and economically sound and sustainable defence measures along the 162km managed coastline.
- 4.16 The ESCP produced two strategies⁹ for the Fareham Borough adopted by the Council in 2015, which covers the coastline between the River Hamble and Portchester Castle. Both strategies guide practitioners on the future delivery of coastal management covering the Borough's coastline.

⁹ <http://www.escp.org.uk/fareham-1>

5.0 Local Enterprise Partnerships (LEP) and Local Nature Partnerships (LNP)

- 5.1 The Local Enterprise Partnership and Local Nature Partnership are ‘prescribed bodies’ as set out in the Town and Country Planning Regulations 2012. The Council must have regard to both organisations. The Solent LEP covers the Fareham Borough. Paragraph 160 of the NPPF highlights the benefits of Council’s and public bodies working with LEP’s.
- 5.2 The Council will work with relevant authorities and public bodies, including the Solent LEP and Hampshire County Council (HCC), in order to achieve the necessary infrastructure improvements to support the economic development of the Borough.

Solent LEP

- 5.3 The Borough falls within the Solent LEP area which covers south Hampshire and the Isle of Wight, and includes 11 local planning authorities. The Solent LEP consists of:
- The business community;
 - Four university partners;
 - The further education sector;
 - 11 Local Planning Authorities and Hampshire County Council; and
 - Voluntary and community sectors.
- 5.4 The Borough Council’s main involvement with the Solent LEP is through the PUSH chairman and Leaders of the Portsmouth and Southampton City Councils (members of PUSH) being on the Solent LEP Board. PUSH works collectively with the Solent LEP to deliver its distinct but complimentary roles and objectives.



Figure 2 – Solent LEP Area (Source: <https://solentlep.org.uk/the-solent/map/>)

- 5.5 The Draft Local Plan has been prepared having regard to the Solent LEP's and the relevant strategies that have been produced by the LEP that are relevant to the Fareham Borough, such as Maritime Futures: Solent Waterfront Sites (2015)¹⁰. The Solent LEP will be formally consulted as part of the Regulation 18 consultation on the Draft Local Plan.

Solent Enterprise Zone

- 5.6 The Borough Council has worked closely with the Solent LEP, Homes and Communities Agency (HCA), Gosport Borough Council and Hampshire County Council to secure the designation of the former HMS Daedalus defence establishment as a local enterprise zone.
- 5.7 The administrative boundary between Fareham and Gosport cuts across the site and the two Councils have worked co-operatively as planning authorities in order to strategically plan the future of the site.

Local Nature Partnerships

- 5.8 The Planning Practice Guidance (PPG) states that LPA's must cooperate with Local Nature Partnerships and have regard to their activities when they are preparing their Local Plans.
- 5.9 The Hampshire and Isle of Wight Local Nature Partnership (LNP) was established in 2012 with the aim of making improvements to the local natural environment. The partnership provides a vision and strategic leadership for the natural environment in Hampshire the Isle of Wight. The high level priorities of the Hampshire and Isle of Wight LNP are to:
- Protect and improve the natural environment on land and at sea – creating bigger, better and more joined up places for nature;
 - Promote a sustainable green economy;
 - Reconnect people and nature; and
 - Promote the need to invest in nature for the many benefits and ecosystem services it provides and to put its value at the heart of decision making right across the two counties.
- 5.10 Further information about the role of the Hampshire and Isle of Wight Local Nature Partnership can be found here - <https://hantswightlnp.wordpress.com/>. The LNP will be formally consulted as a statutory consultee on the Local Plan throughout its preparation.

¹⁰ http://www.push.gov.uk/3e_marine_futures_solent_waterfront_sites.pdf

6.0 Projects

Solent Recreation Mitigation Project

- 6.1 Fareham Borough Council is a member of the Solent Recreation Mitigation Partnership (SRMP) which is made up of 15 Local Authorities, Natural England, the RSPB, HIWWT and Chichester Harbour Conservancy. The partnership's aim is to provide a suitable mechanism which helps developers to satisfy the requirements of the Habitats Regulations. The SRMP collects financial contributions from all new residential development within 5.6km of the Solent SPAs. This is to help mitigate the recreational disturbance that has an impact on the qualifying species of these SPAs.
- 6.2 The Council has worked proactively with the SRMP to produce first, an Interim Mitigation Strategy and more recently, a Draft Definitive Mitigation Strategy to help alleviate the recreational impacts of new residential housing on the Solent SPAs. This process has involved regular steering group and workshop meetings as a partnership to discuss relevant issues and the approach of the mitigation being proposed.
- 6.3 The Draft Definitive Strategy recently went out for public consultation between July and September 2017. The partnership is currently considering representations and it is anticipated that a final version of the strategy will be available in Winter 2017.
- 6.4 The Council was also a member of a small task and finish group which was in charge of consolidating consultation responses and providing written acknowledgements to the responses. In addition, the Council is currently the authority that manages the finances of the partnership after taking over the role from Test Valley Borough Council. The Council continues to work with neighbouring authorities and the SRMP to ensure the recreational effects of new residential development in the region is mitigated and the protection of the Solent SPA is ensured.

7.0 Conclusion

- 7.1 The Council have a high level of cooperation with neighbouring authorities and a number of public bodies. The Council's cooperation with neighbouring authorities and public bodies are permanent and ongoing and will continue to inform the Council's strategic planning. In the preparation of the Draft Fareham Local Plan 2036, the Council has continued to engage with neighbouring local planning authorities, Hampshire County Council, public bodies, stakeholders and other statutory consultees to ensure that strategic and cross boundary matters are addressed effectively.
- 7.2 The commitment of Fareham Borough Council as an active member of PUSH demonstrates the Council's recognition of the complex spatial planning issues that exist in South Hampshire, and the need to plan in a co-ordinated, cross border manner.
- 7.3 The Council has continued to liaise with neighbouring LPA's to prepare the Draft Local Plan and will continue to meet with these authorities during the production of the plan. Initial Duty to Cooperate meetings have taken place as part of the process and the liaison process will continue as the plan evolves and Statements of Common Ground will be produced when appropriate. The Council will invite all neighbouring authorities and relevant public bodies to make representations at the start of the Regulation 18 consultation and at further stages of consultation as the plan progresses
- 7.4 Future versions of this statement as the Draft Local Plan progresses are likely to include more detailed logs and reporting of key cooperation matters. They will also take on board any changes formally made by the Government in relation to the requirements under Duty to Cooperate and/or Statements of Common Ground.