

**Agenda Item 10**  
**Report PC25/26-32**

Report to	<b>Planning Committee</b>
Date	<b>11 December 2025</b>
By	<b>Director of Planning</b>
Title of Report	<b>Update on Duty to Cooperate</b>
Purpose of Report	<b>To inform members about the duty to cooperate activities undertaken</b>

**Note**

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**Recommendation: The Committee is recommended to**

**I. Note the contents of this report**

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**Executive Summary**

This report relates to work undertaken to meet the statutory 'duty to cooperate' on plan-making, and its purpose is to update Members on the discussions and formal responses made by officers under delegated powers. The previous report in April 2025 covered the two-year period from March 2023. This report updates Planning Committee on duty to cooperate activities between April and November 2025.

The duty to cooperate is a key legal duty of the Authority in preparing its Local Plan. A number of local authorities in the area have been asked to withdraw their Local Plans from examination due to the perceived failure to meet this duty. In the correspondence between Mid Sussex District Council and its Inspector last April specific mention was made of the lack of evidence of formal member on-going engagement in duty to cooperate on plan-making (paragraph 62). These six-monthly updates provide an opportunity for Members of the Authority to be informed about the issues under discussion and, for those appointed by the relevant authorities, to assist with those discussions.

The report covers:

- Background
- Strategic Cross-Boundary Themes
- Meetings and Correspondence with Duty to Cooperate Partners
- Correspondence From SDNPA to Other Local Authorities on South Downs National Park Potential Unmet Needs
- Next Steps

**I. Background**

I.1 Local planning authorities have a legal ‘duty to cooperate’ with each other and other statutory bodies in the preparation of their Local Plans. Compliance with this duty is an important test at examination and has caused a number of planning authorities to fall at this first hurdle and be asked to withdraw their Local Plans from examination.

I.2 In November 2024 Planning Committee approved the Project Initiation Document for the South Downs Local Plan Review, which included as an appendix the ‘Cooperation and Alignment Strategy’, available at [Appendix C - South Downs Local Plan Review - Cooperation and Alignment Strategy](#) . This sets out how the Authority intends to meet its legal duty to cooperate, including the cross-authority groups that it is engaged in and joint strategies such as for recreational impacts on protected habitats.

I.3 Since the Cooperation and Alignment Strategy was approved a new version of the National Planning Policy Framework was published in December 2024. It now says:

*“24. Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience. Local planning authorities and county councils (in two-tier areas) continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries...*

*27. Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies align as fully as possible with those of other bodies where a strategic relationship exists on these matters, and take into account the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:*

- a) a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience; and strategic health, education and other social infrastructure (such as hospitals, neighbourhood health facilities, universities, schools, major sports facilities and criminal justice accommodation);*
- b) unmet development needs from neighbouring areas are provided for in accordance with paragraph 11b; and*
- c) any allocation or designation which cuts across the boundary of plan areas, or has significant implications for neighbouring areas, is appropriately managed by all relevant authorities”.*

I.4 This report documents the meetings and formal exchanges of correspondence between ourselves and other local authorities in the area, with a summary of the issues raised. This report covers the period since April 2025.

**2. Strategic Cross-boundary Themes**

2.1 The Cooperation and Alignment Strategy identifies the following strategic priorities and themes which guide our duty to cooperate discussions with neighbouring authorities. These are:

- Conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park and its setting;
- Biodiversity restoration at all scales and making nature bigger, better and more joined up;
- Protection and mitigation of impacts on European designated nature sites including water and nutrient neutrality.

- Mitigation and adaptation to climate change, including nature based solutions
- Sustainable travel into, within and across the National Park;
- The local economy and jobs particularly in land management and the visitor economy;
- New homes including accommodation for Travellers, focusing on affordable homes for local communities;
- Green and grey infrastructure serving communities in and around the National Park.

### 3. Meetings and Correspondence with Duty to Cooperate Partners

3.1 The following meetings and responses have been undertaken by officers since April 2025:

- **All constituent local authorities:** 17/07/25 meeting with AECOM consultant to discuss outcomes of standard method apportionment study; 13/08/25 meeting with local agents for Viability Study Consultation Event.
- **All LPAs affected by water neutrality:** 23/06/25, 22/09/25 meetings of Water Neutrality Executive Board; 07/05/25, 04/06/25, 03/09/25, 15/09/25, 06/10/25 meetings of Water Neutrality Lead Officer Working Group, plus various supporting meetings of the policy and development management subgroups, to discuss mitigation strategies, ongoing implementation matters and latterly the revised Position Statement from Natural England.
- **Public Health Authorities:** 03/11/25 meeting re Planning for Health in SDLP.
- **Adur DC and Worthing BC:** 22/09/25 meeting to discuss respective Local Plans.
- **Arun DC:** 30/09/25 meeting to discuss potential SDLP Reg 19 sites.
- **Chichester DC:** 20/05/25 meeting with CDC Members to brief them on SDLPR; 08/04/25, 15/07/25 & 14/10/25 meetings of Chichester Strategic Housing Partnership to discuss affordable housing within CDC and SDNP; 10/06/25 meeting to discuss Chichester Biodiversity Strategy; 18/11/25 responded to Chichester Contaminated Land Strategy raising minor corrections.
- **Eastleigh BC:** 10/11/25 input from SDNPA to EBC's transport evidence.
- **East Hampshire DC:** 02/07/25 meeting with EHDC and 01/10/25 with EHDC and Liphook United Football Club to discuss joint matters re the Liphook strategic site; (see also meetings with EHDC and Waverley re Wealden Heaths joint working); 21/10/25 responded to consultation on EHDC Duty to Cooperate Framework.
- **East Sussex (all authorities):** 06/05/25, 01/07/25, 02/09/25, 04/11/25 meetings of East Sussex Local Plan Managers Group meeting; 22/04/25, 22/07/25, 14/10/25 meetings of East Sussex Strategic Planning Group meeting; 17/06/25, 16/09/25 meetings of East Sussex Strategic Planning Group Officers Meeting; 23/06/25, 08/09/25 meetings of Gypsy and Traveller Joint Working Group; 15/07/25 meeting with Marine Management Organisation and other relevant local authorities to discuss the Coastal Concordat.
- **East Sussex CC:** 29/04/25 meeting re Climate Change Health Impact Assessment (HIA); 16/06/25, 11/09/25 meetings of East Sussex Planning for Health Working Group; 26/06/25 meeting with Highways to discuss potential SDLP Reg 19 sites.
- **Hampshire (all authorities):** 09/05/25 Hampshire Development Plans Group; 05/08/25 meeting of Hampshire and Isle of Wight Planning Officers Group.
- **Hampshire CC:** 05/08/25 meeting with Highways to discuss potential SDLP Reg 19 sites; 07/10/25 meeting re Planning for Health in SDLP.

- **Havant BC:** 23/06/25 meeting re Havant Local Plan 2043 and unmet needs; 26/06/25 SDNPA responded to HBC Regulation 18 consultation and letter about HBC unmet needs.
- **Horsham DC:** 05/05/25 meeting to discuss respective Local Plans.
- **Lewes DC:** 02/07/25 meeting to discuss Cooksbridge potential strategic development in LDC; 12/09/25 meeting to discuss infrastructure needs.
- **Portsmouth CC:** 25/07/25 meeting to discuss respective Local Plans.
- **Partnership for South Hampshire (PFSH):** 28/05/25, 23/07/25, 29/10/25 meetings of Natural Environment Group to discuss nutrient neutrality issues.
- **Waverley:** 12/08/25, 15/10/25, 24/11/25, 26/11/25 Wealden Heaths Joint Meetings with Waverley BC and East Hampshire DC to discuss mitigation measures.
- **Wealden:** 05/11/25 meeting to discuss respective Local Plans.
- **West Sussex (all authorities):** 23/04/25, 09/07/25, 16/07/25 meetings of West Sussex Planning Policy Officers Group.
- **West Sussex CC:** 31/07/25 meeting with Highways to discuss potential SDLP Reg 19 sites.
- **Winchester CC:** 22/07/25 SDNPA responded to Inspector's Note about the plan period of the emerging Winchester Local Plan.

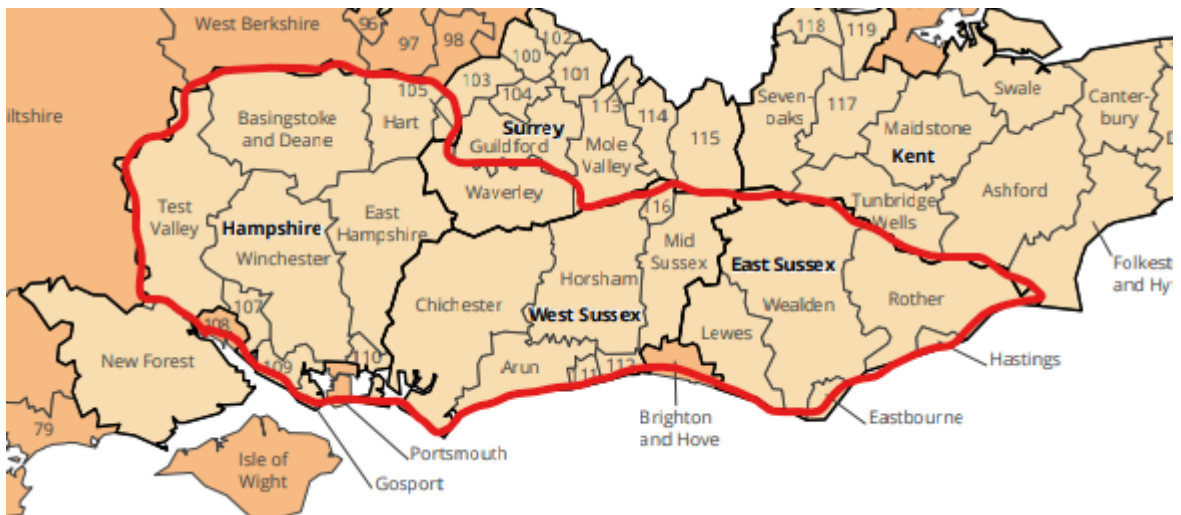
3.2 The following positive joint working has resulted from the above meetings and correspondence:

- **Wealden Heaths Special Protection Area Complex:** SDNPA, Waverley BC and East Hampshire DC are working together on a mitigation strategy to address recreational pressures from development on the protected sites.
- **Water Neutrality:** all the affected authorities worked together to develop a mitigation strategy to allow development to continue where possible whilst a permanent solution was found. Now Natural England has revised its Position Statement, the authorities are continuing to work together to ensure a consistent and legally robust approach to unblocking stalled development.
- **Highways:** SDNPA is working with the County Councils as local highways authorities to ensure that potential allocations in the Regulation 19 Local Plan are accompanied by appropriate evidence and criteria to address any transport and highways impacts.
- **Health:** SDNPA is working with the County Councils as public health authorities to ensure that the Regulation 19 Local Plan promotes health and wellbeing through its policies and allocations, and that procedures are in place to assess appropriate planning applications for their health impacts.
- **Boundary Allocations:** SDNPA is working with adjacent authorities where proposed allocations about planning authority boundaries to ensure that impacts and infrastructure needs are addressed holistically.
- **Gypsies and Travellers:** SDNPA has been working with the East Sussex Authorities to coordinate efforts to meet the needs of gypsies and travellers and travelling showpeople. This has included carrying out a joint 'call for sites' July-October 2025 and agreeing a consistent assessment framework for any sites submitted.
- **Unmet Needs:** All the authorities in the area are working together to understand what development needs they can meet within their individual plan areas and what unmet needs remain to be addressed (see also section 4 below).

**4. Correspondence From SDNPA to Other Local Authorities On South Downs National Park Potential Unmet Needs**

4.1 On 19 November letters were sent to all 12 constituent local authorities (those with land within the National Park) and 14 neighbouring local authorities (all within the red line on the map below). Examples of these letters are included in Appendix I. In summary they advised the following:

- That two new studies had been published on the housing needs of the South Downs National Park. These are the AECOM report, which concludes that the National Park has a housing need of 1,048 homes per year; and the Icen Addendum report, which concludes that it has a housing need of 323 homes per year.
- That the SDNPA considered that 323 homes per year is the most appropriate housing need figure, and would be using this in the Regulation 19 Local Plan.
- That, in the event that the Planning Inspectorate disagreed, and considered that the 1,048 homes per year is the most appropriate figure, the SDNPA would not be able to meet this need, and requests that the other local authorities accommodate the unmet need (approximately 700 homes per year) within their local planning authority areas.
- That evidence demonstrates a need for 73 gypsy and traveller pitches and 11 travelling showpeople plots in the National Park over the plan period to 2042, and indications are that SDNPA will not be able to meet this need. The letter asked the other local authorities to accommodate this unmet need within their local planning authority areas.



4.2 This is a necessary step in the duty to cooperate when a local planning authority anticipates that it may not be able to meet development needs within its own plan area. Responses to these letters will be documented and followed up with Statements of Common Ground where appropriate. Members of the Authority appointed by the relevant authorities are encouraged to assist with these discussions.

**5. Next Steps**

5.1 Officers will continue to work cooperatively with colleagues from neighbouring and nearby local authorities to coordinate Local Plans to address strategic cross-boundary matters. This will include formal correspondence and Statements of Common Ground on other Local Planning Authorities' Local Plans as they progress towards examination.

5.2 With respect to our Local Plan Review, the comments made by local authority partners on the Plan will be considered carefully alongside the other Regulation 18 representations. A report summarising the results of this consultation is scheduled to come to Planning Committee in February 2026 alongside the draft Regulation 19 Local Plan and other relevant

documents. Draft Statements of Common Ground will be discussed with local authorities and other Duty to Cooperate partners during 2026 with a view to agreeing resolutions to conflicts where appropriate and identifying any remaining points of disagreement, as well as establishing where neighbours can accommodate the unmet development needs of the National Park.

- 5.3 On 27 November Matthew Pennycook MP, Minister of State at the Ministry of Housing, Communities and Local Government, issued a Written Ministerial Statement about Regulations for the new plan-making system to be brought forward early 2026. This statement included the following:

*“The Regulations for the new system will also ‘save’ the current plan-making system for a period to allow emerging plans to progress to examination by 31 December 2026. Given the above, and to help drive local plans to adoption as quickly as possible and progress towards our objective of universal local plan coverage, we have decided not to ‘save’ the Duty, thereby removing this requirement for plans in the current system.*

*Local planning authorities should continue to collaborate across their boundaries, including on unmet development needs from neighbouring areas, and we expect Planning Inspectors to continue to examine plans in line with the policies in the NPPF on ‘maintaining effective co-operation’. I have written to the Chief Executive of the Planning Inspectorate to ask that these matters are made clear to Local Plan Inspectors.”*

- 5.4 References to the legal Duty to Cooperate in this report are therefore not likely to be relevant for our Local Plan examination. However, the national policy requirement to cooperate effectively with partners will remain and will be tested through examination. The actions and outcomes recorded in this report will therefore remain relevant and crucial to the Local Plan’s successful examination.

**6. Other implications**

<b>Implication</b>	<b>Yes*/No</b>
Will further decisions be required by another committee/full authority?	Yes reports will come to Planning Committee every six month to update on Duty to Cooperate progress.
Does the proposal raise any Resource implications?	As agreed through the budgeting process.
How does the proposal represent Value for Money?	Duty to cooperate is a legal requirement.
Does the proposal seek to further National Park Purposes as required under Section 11A(2) duty of the National Parks and Access to the Countryside Act 1949 as amended by Section 245 of the Levelling Up and Regeneration Act 2023?	Yes joint working with partners is key to furthering National Park purposes.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	The Local Plan Review seeks to deliver against all PMP Aims but Aim 7 and related objectives and delivery principles are particularly relevant.

<b>Implication</b>	<b>Yes*/No</b>
Links to other projects or partner organisations	Documents engagement with partners.
How does this decision contribute to the Authority's climate change objectives	Mitigation and adaptation to climate change is one of the strategic matters identified in the report.
Are there any Social Value implications arising from the proposal?	None, report just for noting.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	None, report just for noting.
Are there any Human Rights implications arising from the proposal?	None, report just for noting.
Are there any Crime & Disorder implications arising from the proposal?	None, report just for noting.
Are there any Health & Safety implications arising from the proposal?	None, report just for noting
Are there any Data Protection implications?	None, report just for noting.

**7. Risks Associated with the Proposed Decision**

7.1 This report is just for noting and is not requesting Planning Committee to make a decision. However, it is provided in the context of the significant risk identified below.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
Failure to comply with the legal duty to cooperate when the Local Plan review is examined	Medium	High	Proactive working with partners to identify and seek to address strategic cross-boundary issues as set out in the approved Cooperation and Alignment Strategy.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: I. Template Letters re Unmet Needs  
SDNPA Consultees: Director of Planning; Monitoring Officer; Legal Services.  
External Consultees: None.  
Background Documents: None.