

Report to	Planning Committee
Date	10 April 2025
By	Director of Planning
Title of Report	Update on Duty to Cooperate
Purpose of Report	To inform members about the duty to cooperate activities undertaken

Note

Recommendation: The Committee is recommended to note the contents of this report

Executive Summary

This report provides information to Planning Committee about work undertaken to meet the statutory ‘duty to cooperate’ on plan-making. As the first such report it covers the two-year period from March 2023, but it is intended that subsequent reports will be provided every six months (October and April) to keep Planning Committee up to date with this important workstream. The report covers:

- Background
- Strategic Cross-Boundary Themes
- Correspondence On Other Local Planning Authorities’ Local Plans
- Correspondence From Local Authorities On The South Downs Local Plan Review
- Next Steps

I. Background

I.1 Under section 33A of the Planning and Compulsory Purchase Act 2004 local planning authorities have a ‘duty to cooperate’ with each other and other prescribed bodies in the preparation of their Local Plans. 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’ appended to this report. 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 water neutrality and recreational impacts on protected habitats.

I.2 Since the Cooperation and Alignment Strategy was approved a new version of the National Planning Policy Framework has been published. 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.

- 1.3 This report documents the formal exchanges of correspondence between ourselves and other local planning authorities in the area, with a summary of the issues raised. This report covers the period since March 2023, and the intention is to provide six monthly updates to Planning Committee. Most correspondence so far has been in relation to neighbouring Local Plans, but increasingly the activities will relate to neighbours' views on our Local Plan.

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. Correspondence On Other Local Planning Authorities' Local Plans

- 3.1 The following consultation responses and other documents have been issued by officers since March 2023:

- **Adur:** 19/12/2024 Adur Local Plan "Key Issues" Consultation November 2024
- **Arun:** 06/02/2024 Gypsy and Traveller Development Plan Document (G&T DPD) – Regulation 19 Consultation
- **Brighton & Hove:** 23/01/2024 Brighton & Hove Local Plan Key Issues Consultation November 2024 to January 2025

- **Chichester:** 16/03/2023 Chichester Local Plan Review 2035 – Regulation 19 Consultation. Statement of Common Ground 25/06/2024. 12/12/2024 Southbourne Allocation Development Plan Document (DPD) – Regulation 18 Consultation
- **Crawley:** 05/05/2023 Crawley Borough Submission draft Local Plan 2024 – 2040: Duty to Cooperate (response to unmet needs request)
- **Eastleigh:** 11/02/2025 Eastleigh Borough Local Plan Review – Issues & Options Consultation
- **East Hampshire:** 25/08/2023 East Hampshire Local Plan: Duty to Co-operate Provision of Traveller and Travelling Showpeople accommodation (response to unmet need request). Statement of Common Ground – 19/01/2024. 04/03/2024 Draft East Hampshire Local Plan 2040 (Regulation 18 Consultation)
- **East Sussex County:** signed a Planning Engagement and Process Protocol in September 2024 with the Public Health Team
- **Horsham:** 15/12/2023 Horsham District Plan – Addressing Housing and Gypsy & Traveller (response to unmet needs letter). 01/03/2024 Horsham District Local Plan 2023-2040 – Regulation 19 Consultation
- **Hastings:** 10/05/2024 Hastings Borough Council - Duty to Cooperate request to consider unmet gypsy and traveller accommodation needs arising from Hastings
- **Havant:** 13/03/2024 Havant Borough’s Emerging Local Plan – Duty to Cooperate (response to unmet housing needs request)
- **Lewes:** 02/02/2024 Consultation on Lewes Local Plan - 'Towards a Lewes Local Plan: Spatial Strategy and Policy Directions' 09/04/2024 Lewes District Local Plan; Duty to Cooperate request to consider unmet development needs arising from Lewes District; and 28/02/2025 'Defining our policies and early site allocation proposals' Phase 1 Regulation 18 Consultation.
- **Mid Sussex:** 23/02/2024 Mid Sussex District Plan Review 2021-2039 (Regulation 19 Consultation). 22/07/2024 Statement of Common Ground
- **Waverley:** 16/04/2024 Preparation of the new Waverley Borough Local Plan 2043
- **Wealden:** 09/05/2024 Wealden District Draft Local Plan (Regulation 18 Consultation). 09/05/2024 Wealden District Council Local Plan - Duty to Cooperate (response to unmet needs request).
- **Winchester:** 25/08/2023 Winchester Local Plan: Duty to Co-operate Provision of Traveller and Travelling Showpeople accommodation (response to unmet need request). August 2024 signed a Statement of Common Ground. 10/10/2024 Winchester Local Plan 2020-2040 – Regulation 19 Consultation

4. **Correspondence From Local Authorities On The South Downs Local Plan Review**

Summer 2024 Engagement

4.1 An ‘early participation’ consultation on the Local Plan Review was undertaken from the 8 July to 16 September 2024. The following comments were received from local authorities

- **Adur and Worthing Councils** welcomed the opportunity to work together on potential allocations near their boundary; Shoreham Cement Works; opportunities for nature and green infrastructure; and cross boundary issues and needs for housing and gypsy and traveller accommodation.
- **Brighton & Hove City Council** commented about the need to provide land for employment uses and noted the uncertainty of progressing LPR in the context of planning reforms. They stressed the importance of the SDNP for providing access to

open space, for both recreation and health purposes. Amendments were suggested to add reference to existing groups in the Alignment and Cooperation Strategy.

- **East Hampshire District Council** stressed the importance of housing and supporting communities and referred to the SDNPA’s duty to seek to foster the economic and social wellbeing of the local communities. They considered it vital that the LPR continues to meet as much of the identified need as possible and improve delivery of existing allocations; and for EHDC and SDNPA need for EHDC and SDNPA to work together under the Duty to Cooperate to address housing issues.
- **East Sussex County Council** did not have any specific comments to make; wished to confirm agreement to the approach; and looked forward to continuing to engage with SDNPA on the review.
- **Hampshire County Council** commented in relation to flood risk information and signposted its Catchment Plan and supporting guidance for LPAs and Local Plans and the Lower Farringdon and Petersfield Catchment Priority Areas. Also commented in relation to public health
- **Horsham District Council** noted that the consultation and documents were prepared in line with the emerging new plan-making system as set out in the Levelling Up and Regeneration Act 2023. They supported references to the joint strategic issues of Shoreham Cement Works and water neutrality.
- **Lewes District Council** supported progressing the LPR in light of the uncertainty surrounding plan making; sought inclusion of a Strategic Flood Risk Assessment in the supporting evidence base; highlighted the potential of significant delays in responses from all statutory consultees and commented on the Integrated Impact Assessment Scoping Report. Identified key issues for joint working as addressing housing requirements for the wider area, potential impacts of strategic site allocations on infrastructure within the national park and potential development impacts on the setting of the park. Future discussions with neighbouring authorities should agree an apportionment approach for the new proposed standard method.
- **Wealden District Council** welcomed the inclusion of ‘climate emergency and biodiversity crisis’, ‘economic challenges’ and ‘social issues’ as “key issues for the Local Plan Review”; encouraged the SDNPA to consider how the proposed national planning policy changes would fit in with its vision for the National Park and the statutory purposes of National Parks; queried the lack of a Strategic Flood Risk Assessment and made comments on the Integrated Impact Assessment Scoping Report. They also referred to joint work undertaken on addressing gypsy and traveller needs.
- **West Sussex County Council** made public health and economic team comments to strengthen evidence in these areas.

Regulation 18 Consultation January-March 2025

4.2 The Regulation 18 consultation was carried out from 20 January – 17 March 2025. Responses are still being logged and some local authorities have agreed extensions, but so far comments are as follows:

- **Adur and Worthing Councils** recognise the important role the South Downs National Park has in relation to the environmental, economic and social wellbeing of areas beyond the national park itself. Keen to work with SDNPA to understand and ensure that affordable housing delivered in the Adur/Worthing part of the National Park can address the specific needs of residents of Adur and/or Worthing. Will be necessary to consider any impacts on the Adur Local Plan and Worthing Local Plan areas in terms of landscape, traffic and other infrastructure. Makes specific comments about Shoreham Cement Works and Steepdown Road, Sompting. Also makes comments on SD26, SD28 and SD33.

- **Arun District Council** agrees with the broad focus of the LPR and considers that the main challenges that need to be addressed through a strategic approach have been identified. It comments on policies SD2, SD3, SD4, SD9, SD10, NEW3, SD11, SD17, SD20, SD26, SD28, NEW8, SD45, and SD50.
- **Brighton & Hove City Council** makes comments on policies SD19, SD20, SD22, SD23, SD25, SD33, and SD51.
- **Chichester District Council** notes that changes to NPPF in December 2024 may require an additional Regulation 18 consultation. Comments on the vision not referring to housing needs. Also suggests changes to SD2, SD5, SD12, SD13, SD17, SD27, NEW1, SD28, SD31, SD35, SD50, SD54 and SD55. Reserves position on SD26 and refers to joint working on establishing and addressing housing need. Makes comments on Integrated Impact Assessment and growth options modelled.
- **Eastbourne Borough Council** refers to the constraints to development within Eastbourne Borough and the HEDNA conclusion that no housing need arises within the Eastbourne part of the National Park. Supports the proposed approach towards landscape and environment policies, including SD2, SD9, SD11, SD45 and SD48. Notes substantial changes to SD33 and that Eastbourne is likely to have unmet need for gypsy and traveller pitches. Notes changes to SD23 to support regenerative tourism, emphasises the importance of tourism to Eastbourne and would welcome further consideration of how it supports the visitor economy within the National Park, and vice versa, including improvements to active travel and public transport links between Eastbourne and the SDNP.
- **East Hampshire District Council** reiterates its key message from the summer engagement that they are concerned for all residents within East Hampshire and want the best outcomes and quality of life for all residents. They highlight the differences between the SDNP and other National Parks and consider that more needs to be done throughout the Local Plan Review to take account of social and economic objectives. Petersfield, Liss and Liphook should be taking more development. Concerns are raised about SD26 and the current number of homes proposed, particularly in East Hampshire. Specific comments are made about the allocations proposed in the East Hampshire part of the National Park. EHDC considers it is vital that further opportunities for employment-related development are considered. It generally supports SD28 but strongly objects to the requirement that affordable homes are 'in perpetuity' as unrealistic in the current market. It supports the nature recovery policies and joint working on Wealden Heaths and Woolmer Forest but suggests some changes to individual policies. It also comments on Communities, Open Space & Active Travel policies, Climate policies, Gypsy and Traveller accommodation, the evidence base and regulatory assessments.
- **East Sussex County Council** commented on Transport and Highways implications of the vision and objectives, SD3, NEW1, SD19, SD20, SD22, and allocations at County Hall, St Anne's Crescent, East Sussex College, Alfriston, and Cooksbridge. It has also made representations about education provision, Rights of Way implications of allocations, culture and tourism and public health. Detailed comments have been made on SD2, SD3, SD5, SD12, SD13, SD21, SD54, SD27, SD43, SD45 and SD46. ESCC has also made landowner representations in respect of the allocations at County Hall, Lewes.
- **Lewes District Council** extension agreed
- **Hampshire County Council** responded in its capacity as the Local Highway Authority (including Public Rights of Way), Lead Local Flood Authority, and Minerals and Waste Authority (including waste resource and management services). This includes support for SD2, SD3, SD4, SD6, SD7, SD8, SD12, NEW5 and SD11 and comments on SD5, SD9, SD19, SD20, SD21, SD22, SD23, SD24, SD26, SD29, SD33, SD35, SD37, SD39, SD41, NEW8, SD42, SD43, SD45, SD46, SD48, SD49, SD50. In

respect of allocations it has commented on minerals safeguarding, flood risks and access potential. HCC has also made landowner representations in respect of Land South of Paddocks Way, Petersfield.

- **Horsham District Council** has made detailed comments on the Shoreham Cement Works allocation and asked to be involved in further work on this site along with other stakeholders such as WSCC. It has also commented on SD26, asking to be informed of progress on establishing housing need and supply figures. It has commented on SD10, NEW4, SD20, and SD33 and the proposed allocations at Amberley and Coldwaltham.
- **Mid Sussex District Council** supports the SDNPA’s continued approach to planning including using a landscape-led and ecosystems approach, and would welcome discussions regarding opportunities for nature recovery, green infrastructure and resilience to the effects of climate change in the Mid Sussex part of the National Park. Comments are made on SD26, SD33, and the proposed allocations site at land east of Lodge Lane, Keymer, Hassocks.
- **Waverley Borough Council** notes the delay to Regulation 19 stage for housing numbers in SD26 and raises concerns as it will be unable to meet any unmet needs from neighbours.
- **Wealden District Council:** supports the premise that the LPR will continue to prioritise the provision of clean air, water, dark skies and food, with a medium level of growth proposed, which is spread across the towns and villages of the National Park. It comments on policies SD2, SD3, SD4, SD9, SD17, SD20, SD25, SD26, SD28, SD33, SD48, SD49, SD50, and proposed allocations at Alfriston. It has also made **suggestions for the regulatory assessments and evidence base.**
- **West Sussex County Council** makes comments on the Transport Study, policy SD22 and transport implications of proposed allocations at Shoreham Cement Works, Amberley, Midhurst, and Northchapel. Public health comments are expected to follow later.
- **Winchester City Council** makes comments on SD9, NEW2, NEW4, NEW6, NEW7, SD25, SD26, NEW1, SD33, SD48, and proposed allocations at Hinton Ampner, Droxford, Owslebury, Swanmore and Twyford.

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 headline results of this consultation is scheduled to come to Planning Committee in July 2025. Draft Statements of Common Ground will be discussed with local authorities and other Duty to Cooperate partners during 2025 with a view to agreeing resolutions to conflicts where appropriate and identifying any remaining points of disagreement.

6. Other implications

Implication	Yes*/No
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	As agreed through the budgeting process.

Implication	Yes*/No
Resource implications?	
How does the proposal represent Value for Money?	Duty to cooperate is a legal requirement.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	The Local Plan Review seeks to deliver against all PMP outcomes but outcomes 9 and 10 are particularly relevant.
Links to other projects or partner organisations	None, report just for noting.
How does this decision contribute to the Authority's climate change objectives	None, report just for noting.
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.

Risk	Likelihood	Impact	Mitigation
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 Cooperation and Alignment Strategy in Appendix I.

TIM SLANEY

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Appendices	Appendix I - Cooperation and Alignment Strategy
SDNPA Consultees	Director of Planning; Monitoring Officer; Legal Services.
External Consultees	None.
Background Documents	None.