



# Examination of the Basingstoke and Deane Local Plan (2011 to 2029)

Basingstoke and Deane Borough Council  
Response to Inspectors Key Issues and  
Discussion Note

Issue 1: Legal Requirements and Duty to Co-  
operate

September 2015

1. **Legal Requirements:** *Does the Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Sustainable Community Strategy; Statement of Community Involvement; and Local Development Regulations, 2012)?*
- 1.1 The Council considers that it has satisfied the legal requirements for the Local Plan to be considered sound. Community and stakeholder engagement has played a key role in the development of the plan. The Regulation 22c Consultation Document (BD10) sets out who was consulted, at what stage and how. A Summary of responses received during the recent consultation (11 May to 22 June 2015) is also available in the Consultation Statement for the Proposed Main Modifications to the Submission Local Plan (PS/02/30).
- 1.2 The consultation undertaken complies with the Borough Council's Statement of Community Involvement, adopted in July 2007 (BD03) and the relevant regulations.
- 1.3 The Submission Local Plan, as updated by the proposed modifications, embodies the themes set out in the Sustainable Community Strategy for Basingstoke and Deane (Pride in our Place) (BD04) and shares its vision. The Strategy is also reflected in the Local Plan's strategic objectives which will be delivered or facilitated through the Plan's policies and supporting text.
- 1.4 The Plan has been prepared in accordance with the Local Development Scheme. (5<sup>th</sup> edition, September 2014) (BD01). Since the Exploratory Meeting, the revised timetable for the Plan production has been publicised on the council's website.
- 1.5 The council has produced a Sustainability Appraisal, as set out in the relevant documents (SA07-SA09) and (PS/02/16). The council has a duty to consider the sustainability of its plans through the Planning and Compulsory Purchase Act 2004 (as amended). It is also required to prepare an environmental report as part of the Environmental Assessment of Plans and Programmes 2004 Regulations (the SEA regulations). The Council considers that all reasonable alternatives have been assessed and the Plan's strategy and policies are justified and effective. The council also considers that the Plan has been adequately assessed for likely significant effects on European wildlife sites through the preparation of an Appropriate Assessment / Habitats Regulations Assessment, as detailed in (CD 09) and the addendum of May 2015 (PS/02/19).
- 1.6 The council has also discharged its Public Sector Equality Duty (PSED) in line with s149 of the Equality Act 2010, a duty that has to be satisfied in the discharge of all of the council's functions including plan making. Equalities Impact Assessments were carried out at each suitable stage of the plan making process (CD15, CD16 and PS/02/22), to consider the impact of the Plan's policies on the

protected characteristics groups identified in the Act and other potentially vulnerable groups, and the implications for the PSED. The assessment, which was carried out by the council's Equality Impact Assessment panel, revealed that the policies included within the Plan promote equality and eliminate discrimination by covering a number of areas including improved access for all; the promotion of good relations between different groups; supporting the development of future housing according to local needs; facilitating the provision of jobs; and supporting the retention of existing community facilities and the provision of new facilities. No negative impacts were identified on any of the groups considered.

## **2. Duty to Co-operate (DTC)**

2.1 *Has the Council **worked collaboratively** with other authorities and organisations during plan preparation on strategic planning matters that cross administrative boundaries?*

2.1.1 Whilst the statutory Duty to Cooperate strictly only applies to the plan preparation stage (i.e. up to the point of submission of the Plan for independent examination), the council considers that it has demonstrated and continues to demonstrate its 'duty to co-operate', as detailed in new section 33A in the 2004 Act, paragraph 182 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), making every effort to secure the necessary cooperation with relevant organisations, bodies and agencies on strategic cross boundary matters that relate to the Local Plan. This is set out in the Council's Duty to Co-operate Statement (CD 08), the May 2015 update statement, (PS/02/04) and in the Consultation Statement for the Proposed Main Modifications to the Submission Local Plan (PS/02/30). The council has continued to work constructively and actively with such organisations throughout the development of the Plan and each of the strategic priorities, including housing, economic growth, infrastructure provision, retail, environmental protection, water related issues and provision for gypsies and travellers have been properly considered. Section 4 of the Council's Duty to Co-operate Statement [CD 08] sets out the on-going dialogue that has taken place with relevant stakeholders, why they were engaged and key notable outcomes which have included changes to the Plan's policies and supporting text. As section 5 outlines, the council has also collaborated on cross boundary issues through the production of evidence base studies, a number of which were carried out jointly.

2.1.2 In light of the extensive work referred to above, there remain only minor issues which have not been agreed by relevant stakeholders. Each of the borough's neighbouring authorities have no outstanding objections to the Plan and each consider that their individual growth needs (including residential, employment and retail development) do not need to be met within the borough. The Council has also produced a series of Statements of Common Ground (SoCG) with relevant

organisations, including statutory bodies and developers/landowners to ensure that the Plan is effective in terms of its delivery.

2.2 *In particular has the Plan's approach to determining its housing requirements and provision been **compatible with that of neighbouring authorities**? [A critical factor is that the duty to co-operate (DTC) is incapable of modification at the Examination stage].*

2.2.1 The Duty to Co-operate Statement (CD 08) sets out key issues for collaboration with neighbouring authorities and shows that in relation to Objectively Assessed Housing Need there has been on-going dialogue with each of the borough's neighbouring authorities and also other authorities with recognised links with the borough. The relevant authorities are Hart DC, East Hampshire DC, Reading BC, Rushmoor BC, Test Valley BC, West Berkshire C, Wokingham BC, and Winchester CC. The duty statement sets out the collaboration that has taken place with these authorities including the consideration of this issue through a number of specific meetings. Each of the relevant authorities support the conclusion of the Local Plan evidence base and the resulting approach of the Plan (incorporating proposed modifications). It is agreed that the approach proposed in the Plan, including the overall housing number, is compatible with that of their authorities and that there would be no cross-boundary unmet need for housing.

2.2.2 In particular the relevant authorities agree that Basingstoke functions as a separate Housing Market Area (HMA), although it is acknowledged that the borough is well connected beyond its boundaries and there are relationships and commuting links between the areas, most notably between the north of the borough and West Berkshire. These are further detailed in the Strategic Housing Market Assessment Update (PS/02/17) and the Housing Needs Statement of August 2015 (PS/02/47).

2.2.3 It is worthy of note that at the Revised Pre-submission formal representation stage none of the borough's neighbouring authorities were raising a failure to comply with the Duty to cooperate. There were, however, outstanding objections relating to the soundness of the Plan from Rushmoor BC, Hart DC and West Berkshire C, focusing on the proposed housing number. Following the further main modifications consultation when new evidence was published and the housing number was increased to 850 dpa, the three authorities withdrew their objections. Wokingham BC submitted an objection regarding the proposed housing number and HMA at this stage, but, following further consideration of the evidence base and discussions with the council, they have since withdrawn their objection.

2.3 *Has the Council worked or liaised with the **relevant bodies set out in the PPG?** How has the Council also co-operated with the relevant **Local Enterprise Partnerships (LEPs)** and **Local Nature Partnerships (LNPs)**?*

2.3.1 The Duty to Co-operate Statement (CD 08) sets out the key issues for collaboration with the relevant bodies and shows that the council was liaised with each of the relevant bodies set out in the PPG. It has also worked pro-actively with a large number of relevant bodies including Hampshire County Council, Highways England, Historic England, Natural England, Home and Communities Agency, local town and parish Councils, the Office for Nuclear Regulation, South West Water, Thames Water and Southern Water in shaping the plan.

2.3.2 In November 2012, the Town and Country Planning (Local Planning) (England) Regulations 2012 were amended to include Local Nature Partnerships (LNPs) as a prescribed body under section 33A (9), together with Local Enterprise Partnerships (LEPs). As outlined in paragraphs 3.4 – 3.8 of the Duty to Co-operate Statement, in terms of the Enterprise M3, the LEP covering the borough, the Council is an active member both at an officer and member level. The LEP has provided support and guidance in relation to developing the Plan's employment strategy which was significantly changed at Revised Pre-submission stage (April 2014) (CD01) and, more recently, in relation to the jobs target range which was added as a proposed modification to the Submission Plan. Funding support has also been provided for transport schemes, including improvements to the A33 and A340, along with the Winchester Road and Thornycroft roundabouts, and other sustainable transport measures. A further funding bid is being developed to secure investment in the 'Mid-Town' area of Basing View which will provide for the costs involved in bringing forward land to facilitate around 20,000 sq. ft. of Grade A speculative office accommodation, including site clearance and demolition. In addition to funding support, the LEP have provided in principle support for the Chineham Rail Station proposal (Policy SS10). In their representations to the Mid Examination Consultation on the Proposed Main Modifications, they stated the following:

*'Enterprise M3 has worked closely with Basingstoke and Deane Borough Council throughout the development of the emerging Local Plan, both on the development of the Plan and its evidence base and how the Local Growth Fund can be used to support the emerging Local Plan..... Enterprise M3 is satisfied that the emerging Local Plan provides a comprehensive strategy and policy context to allow Basingstoke to continue to play a pivotal role in the economic prosperity of the M3 corridor'.*

2.3.3 This position is re-iterated in a letter of support from the LEP, provided in response to question 17.3 raised by the Inspector in advance of the Exploratory

Meeting, which is appended to the Borough Council's Written Statement to Issue 8.

2.3.4 The LEP has therefore expressed its broad support for the Submission Plan, as updated by the proposed modifications. They have also expressed a concern regarding how further flexibility in terms of employment space to further protect Basingstoke's role as a Growth Town can be achieved and has suggested that additional text is added to b) of EP1 stating "Proposals for major industrial and distribution users which come forward before finalisation of this Development Plan Document will be treated sympathetically in light of this identified need." However, the council considers that this wording is overly permissive and it is intended that a new employment site or sites for industrial, storage and distribution uses will be allocated in a subsequent Development Plan Document.

2.3.5 As outlined in paragraphs 3.9-3.10 of the Duty to Co-operate Statement (CD 08), the Hampshire and Isle of Wight Local Nature Partnership was established in 2012 to help bring about improvements in the local natural environment. The LNP, as a partnership, did not respond to the Local Plan consultation and is not currently resourced to undertake such work instead relying on its constituent partner organisations to continue doing this work as individual organisations. Having said this, the council is a partner of the LNP and has met with members of the Partnership (such as the Hampshire and Isle of Wight Wildlife Trust and Natural England) in their individual organisational capacity, both prior to and after the formation of the partnership to discuss issues principally relating to landscape, biodiversity and green infrastructure. A number of outcomes have been agreed as a result of these discussions including changes to relevant policies to ensure that monitoring is undertaken in partnership with the LNP.

#### 2.4 *What particular **outcomes** can the Council point to in relation to DTC?*

2.4.1 The council considers that duty to cooperate has fed into a number of outcomes, as set out in section 4 of the Duty to Cooperate Statement. Key outcomes are summarised below:

- there are no objections to the Plan with regards to the Duty to Cooperate, including from neighbouring authorities with regards to the housing strategy, as outlined above. The Council will continue to work jointly with neighbouring authorities to ensure a consistent approach for development on its boundaries, within and beyond the Plan period.
- A shared and agreed policy approach to gypsies, travellers and travelling showpeople with West Berkshire BC (Policy CN5). The council also has shared knowledge and will continue to discuss the requirements and movements of gypsies, travellers and travelling showpeople with adjoining authorities, particularly Hart DC, Rushmoor BC and Test Valley BC.

- An agreed policy approach to planning in and around Nuclear Installations (Aldermaston and Burghfield) with Wokingham BC and West Berkshire C (Policy SS7). The council will continue to work with the Office for Nuclear Regulation (ONR), emergency planners, and multi agencies that resource the Off Site Emergency plan and affected neighbouring authorities.
- A shared and agreed policy approach to the Thames Basin Heaths Special Protection Area (SPA) with Wokingham BC, Rushmoor BC and Hart DC. This includes an agreement between the council and Hart DC to enable 'Suitable Accessible Natural Green Space' (SANGS) within Hart to be used to mitigate small scale development in Basingstoke Borough that takes place within the 5km zone of influence of the SPA, as outlined in the relevant SofCG [ENV16].
- Joint working with the Environment Agency (EA) on the relevant evidence base for the Plan including the Water Cycle Study [ENV06], the SA [PS/02/16], water quality modeling [PS/02/14], assessments of potential development sites [HO5], including flood risk [PS/02/27], and the drafting of plan policies to ensure they are justified and effective and that relevant mitigation measures have been incorporated where necessary. The EA has confirmed that they have no objection to the plan. The Council will continue to work closely with the EA on relevant issues, including water quality where partnership working will also take place with Natural England and the water companies, in line with Policy EM6, to protect, manage and conserve the borough's water environment. A SofCG between the EA, the council and Thames Water [PS/02/38] reflects the current agreed position.
- Joint working with Natural England (NE) on the Habitats Regulations [C09] , to ensure the scope and content are appropriate for the Plan, the SA [PS/02/16] to ensure that the environmental impacts of the Plan are understood and considered, and the drafting of plan policies to ensure they are justified and effective. The outcomes of the HRA and SA were agreed and the Plan is generally supported and considered sound by Natural England. One objection remains to Policy EM1, further details of which can be found on Page 22 of the Duty to Co-operate Statement [CD08]. The suggested wording to policy EM1 is not considered necessary as paragraph 152 of the NPPF provides sufficient guidance on adverse impacts, mitigation and compensatory measures. The Local Plan generally avoids repeating guidance that is already in the NPPF. The council considers that the exclusion of the suggested text does not make the plan unsound.
- The council has, and will continue to, work with EA, NE and the Hampshire Wildlife Trust on developing green infrastructure networks throughout the Borough.

- Joint working with Historic England (HE) on the drafting of plan policies to ensure they are justified and effective. HE is satisfied that the plan is founded on a robust credible and justified evidence base and is generally consistent with national guidance. EH have an outstanding objection to two of the criteria of Policy SS3.10:Manydown, further details of which can be found on pages 20 and 21 of the Duty to Co-operate Statement [CD08]. The Council is of the view that the current criteria provide a suitable level of detail and guidance to ensure that HE's concerns are addressed through the masterplanning and development management process.
- The council has and will continue to assist in the progress of Neighbourhood Plans and ensure any cross-boundary issues are addressed.
- A series of Statements of Common Ground (SoCG) have been agreed with the landowners/developers of the strategic housing allocations setting out how the sites will effectively deliver the Plan's housing strategy in a timely manner.
- Joint working with both Hampshire County Council (HCC), as the Local Highways Authority, and Highways England (HE) on the approach taken to consider future development in the borough, as set out in the Transport Assessment (TA) [PS/02/32]. Agreement on the approach has been reached and a Position Statement [PS/02/29] has been agreed with HCC to detail the process for preparing the TA and the mitigation contained within it. The contents of the TA are also reflected in the Infrastructure Delivery Plan (IDP), which takes into account schemes being progressed by HCC. The Borough Council will continue to work closely with HCC to implement the highways schemes identified in the TA, as reflected in the IDP, in addition to supporting the implementation of schemes and funding bids for future investment. HE has confirmed that they have no objection to the plan.
- On a site-by-site basis, HCC has raised no objections from a transport perspective to the allocations in the Plan, with the exception of the southern parcel of Manydown, which will require additional traffic to use the Fiveways Junction. It is anticipated that agreement will be reached with HCC on this issue in advance of the examination.
- Joint working with key service providers throughout the preparation of the Plan and IDP to ensure that infrastructure requirements, including education provision, community, sport and leisure facilities, health, and drainage and

wastewater facilities are reflected in the Plan. There are no objections to the Plan from such providers. Key elements arising from the site specific policies and the IDP have been reflected in the relevant site related SofCGs. The council has and will continue to actively engage with infrastructure providers and prescribed bodies on progressing the strategic allocations identified within the Plan and delivering the necessary infrastructure.