

The Chichester Society (Mr Richard Childs)
Matter 1: Legal and procedural requirements
Issue 7: Duty to co-operate
Representor reference number 686166

The Chichester Society maintains that in producing its Local Plan Chichester District Council (CDC) has failed to comply with its duty to co-operate.

The weight of evidence in CDC's Duty to Co-operate Statement focuses on co-operation with authorities to the East of Chichester yet the largest single strategic development site is on the western side of Chichester.

This in turn has led CDC to fail adequately to assess the consequences of the West of Chichester SDL on the transport and wastewater infrastructure in a westerly direction beyond the SDL.

The failure in the duty to co-operate has also led to CDC's failure adequately to consider other options for development on brownfield rather than greenfield sites.

Planning Practice Guidance on the duty to co-operate emphasises that, *Local planning authorities should bear in mind that effective co-operation is likely to require sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone.*

Notwithstanding the production of CDC's 47-page Duty to Co-operate Statement, the length of the document cannot hide the fact that in certain areas co-operation with adjoining Local Planning Authorities (LPAs) and other agencies has been seriously weak and deficient.

The quality of evidence in the Duty to Co-operate Statement is at times poor and does not adequately reflect the requirement to "engage constructively, actively and on an ongoing basis". Moreover, as the Planning Practice Guidance on the duty to co-operate states, evidence should show how co-operation has *influenced the Local Plan*.

Appendix 7 of CDC's Duty to Co-operate Statement, which summarises "strategic co-operation with neighbouring authorities" can only be regarded as scraping the barrel. It provides an unconvincing litany of meetings, discussions, presentations and the like, which in no way meets the requirement of sustained joint working with concrete actions and outcomes.

Following the closure of the consultation period on the pre-submission draft of the LP on 6 January 2014, the Chichester Society submitted Freedom of Information requests amongst others to Havant BC regarding evidence of CDC's activities relating to the duty to co-operate.

The evidence provided shows that CDC engagement with many authorities was far from active and ongoing.

National guidance makes it clear that *Co-operation should take place throughout Local Plan preparation – it is important not to confine co-operation to any one point in the process. LPAs and other public bodies need to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified.* It is apparent from CDC's own evidence that co-operation with other LPAs, especially those to the west of Chichester has been very much an afterthought. This is particularly critical in relation to transport and waste water issues arising from potential major developments on the western side of the city and at Southbourne.

The following evidence provided by Havant BC supports this opinion, (copies of the documents from which these extracts have been taken can be provided if required):

- In a letter dated 30 April 2013 from Lucy Howard Senior Policy Planner, Havant BC to Karen Dower, Planning Policy, Chichester DC in response to consultation on CDC Local Plan Key Policies: Preferred Approach, Ms Howard states, *It will be particularly important for the two councils to engage constructively on the key constraints identified in the Draft Local Plan namely wastewater treatment capacity, traffic congestion on the A27 and the impact of recreational disturbance on the bird populations at the Chichester and Langstone Harbours.* She further states, *It will be particularly important to assess the impact of this level of development on the A259 and the A27 in Havant Borough.*

- Minutes of Chichester Local Plan: Duty to Co-operate meeting to discuss transport issues at Southbourne, 4 July 2013, attended by officers of Chichester DC, Havant BC, Hampshire CC and West Sussex CC. *CDC is keen to progress housing development in Southbourne early in the plan period, due to waste water treatment constraints with some of the strategic sites. The minutes also state in relation to the duty to co-operate, The inspector is likely to require a statement to demonstrate that we have worked together on strategic issues. We will need to ensure that the two transport models fit together and there are opportunities to update data.*
- Duty to Co-operate Meeting, 28 October 2013, held at East Hants DC Council Chamber attended by officers of East Hants DC, Havant BC, Chichester DC, Winchester CC, Surrey CC, Waverley BC, South Downs NPA. Agenda and Meeting Note. *Is there a need to establish any new formal forum in (sic) which can be used to demonstrate to Planning Inspectors and CLG that there is effective cooperation between our public bodies...*
- Minutes of Infrastructure meeting, 14 November 2013, attended by officers of West Sussex CC, Chichester DC, Hampshire CC, Havant BC. *Given Duty to Co-operate, there is a need to be discussing flooding and management plans.*
- Email from Andrew Biltcliffe, Shared Service Manager (Planning Policy), Havant BC to Planning Policy CDC dated 3 January 2014, Subject: Chichester Local Plan: Key Policies Pre Submission. *It is nevertheless recognised that there are weaker market links with Chichester and we would wish to maintain and where possible enhance those links as effectively as possible, building on the exploratory cooperation meetings already held. This will be important bearing in mind the potential development in your Plan in the areas adjoining the Borough which could impact on infrastructure and services in the Emsworth and Havant areas.*
- In a letter dated 6 January 2014 from Lucy Howard Senior Policy Planner, Havant BC to Mike Allgrove, Planning Policy Chichester DC in response to consultation on CDC Local Plan Key Policies: Pre Submission, Ms Howard states, *It will be particularly important for the two councils to engage constructively on the key constraints identified in the Local Plan namely wastewater treatment capacity,*

traffic congestion on the A27 and the impact of recreational disturbance on the bird populations at the Chichester and Langstone Harbours. She further states, In regard to wastewater treatment, reference is made to restrictions affecting the Apuldram Wastewater Treatment Works. Reference should also be made to headroom at Thornham which affects development in Emsworth and serves Westbourne and Southbourne within Chichester District.

Note, it is immediately apparent from Ms Howard's comments in her letters of 30 April 2013 and 6 January 2014 that little or no progress had been made on the issues initially raised by Havant BC.

The Chichester Society believes that the above information supplied by Havant BC conclusively shows that insufficient activity has occurred between Havant and Chichester to satisfy the criteria for meeting the duty to co-operate, particularly concerning key infrastructure matters relating to the West of Chichester strategic development site and Southbourne.

The Chichester Society is also of the view that discussions with Havant BC ought to have been extended westwards to include the east Solent part of the Solent conurbation, namely Portsmouth and Fareham. This wider co-operation (e.g. travel to work areas) is recommended in the Planning Practice Guidance. In reality, strategic awareness and planning has stopped just after the West Sussex County boundary. An informed Local Plan should recognise that human aspirations and activities - and their associated urban settlements - are not restricted to administrative boundaries. Because of this municipal 'blind spot' CDC has failed to understand or implement the 'duty to co-operate' in this south west corner of its District. This contrasts markedly with the work looking eastward on Coastal West Sussex and Greater Brighton.