

# Hastings Local Plan – Statement of Compliance with the Duty to Co-operate

Hastings Planning Strategy  
August 2012

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## 1.0 Executive Summary

- 1.1 Hastings Borough Council is obliged to demonstrate how it has complied with the Duty to Co-operate as now required by Section 33A (1) of the Planning & Compulsory Act 2004 (introduced through the Localism Act 2011).
- 1.2 This paper demonstrates that Hastings Borough Council has a high level of co-operation with other authorities, particularly East Sussex County Council and Rother District Council, and has participated in a number of joint projects. This approach has resulted in a robust and solid evidence base supporting the Hastings Planning Strategy, which clearly addresses cross boundary and strategic issues.
- 1.3 Policy CI1: Infrastructure and Development Contributions clearly sets out the Council's commitment to future cooperation in terms of infrastructure provision, whilst the need for joint working with other nearby authorities is mentioned throughout the document.
- 1.4 The table below summarises how Hastings Borough Council has met the requirements of the Duty to Co-operate as set out in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012, further detailed throughout the remainder of the document.

Organisation	Nature of Co-operation
Rother District Council	<ul style="list-style-type: none"> <li>• Continuous informal discussion and statutory consultation</li> <li>• Engagement at officer working groups</li> <li>• Joint evidence studies</li> <li>• Discussions regarding infrastructure provision</li> </ul>
East Sussex County Council	<ul style="list-style-type: none"> <li>• Continuous informal discussion and statutory consultation</li> <li>• Engagement at officer working groups</li> <li>• Joint evidence studies</li> <li>• Discussions regarding infrastructure provision</li> </ul>
English Heritage	<ul style="list-style-type: none"> <li>• Continuous informal discussion and statutory consultation</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>• Continuous informal discussion and statutory consultation</li> <li>• Consultation on Sustainability Appraisal and Appropriate Assessment</li> <li>• Discussions in respect of site specific issues and preparation of Green Infrastructure Strategy</li> </ul>
Primary Care Trust	<ul style="list-style-type: none"> <li>• Statutory consultation</li> <li>• Discussions regarding infrastructure provision</li> </ul>
Network Rail	<ul style="list-style-type: none"> <li>• Statutory consultation</li> <li>• Discussions regarding infrastructure provision</li> </ul>
Highways Agency	<ul style="list-style-type: none"> <li>• Statutory consultation</li> <li>• Discussions regarding infrastructure provision</li> </ul>
Local Enterprise Partnership	<ul style="list-style-type: none"> <li>• Informal discussion and consultation</li> <li>• Discussions regarding infrastructure provision</li> </ul>

## **2.0 Introduction**

- 2.1 The Localism Act creates a duty on Local Planning Authorities to co-operate with each other to address strategic issues relevant to their areas – known as the Duty to Co-operate. This document demonstrates Hastings Borough Council's compliance with the Duty to Co-operate in respect of the Hastings Planning Strategy, the key strategic document prepared as part of the emerging Hastings Local Plan.

### 3.0 Background and context

- 3.1 The 'duty to co-operate' is set out in Section 110 of the Localism Act. This applies to all local planning authorities, national park authorities and county councils in England, and to a number of other public bodies. The new duty:
- a) relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
  - b) requires that councils set out planning policies to address such issues
  - c) requires that councils and public bodies to 'engage constructively,
  - d) actively and on an ongoing basis' to develop strategic policies; and
  - e) requires councils to consider joint approaches to plan making.
- 3.2 The National Planning Policy Framework (NPPF) builds on the requirements of the Localism Act, and states that:
- "Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities....Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in Local Plans" (Paragraphs 178 & 179, NPPF)
- 3.3 Strategic priorities as identified in the NPPF, relate to the following:
- 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, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
  - The provision of health, security, community and cultural infrastructure and other local facilities
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 3.4 The Duty to Co-operate requires ongoing constructive and active engagement on the preparation of Local Plans and other activities relating to the sustainable development and use of land, and in particular, when addressing issues around strategic infrastructure. This document therefore demonstrates exactly how Hastings Borough Council have complied with the Duty to Cooperate, and will be submitted as a supporting document to the Planning Inspector, prior to the Examination of the Hastings Planning Strategy later in 2012.

## 4.0 About Hastings

- 4.1 Hastings is a community of some 88,000 people with 8 miles of coastline, and surrounded by the district of Rother. The town of Bexhill forms an almost continuous urban area with Hastings and the smaller town of Battle to the north. This urban area of c.130,000 people serves a wider area of rural communities in terms of employment, leisure, health, education and other services.
- 4.2 Hastings challenges are substantially urban and the like many coastal towns is has only now begun to reverse a long period of decline, which means the town has an important role as a centre of economic activity and transport services. Today the town faces a challenge in terms of how best to achieve the growth and regeneration aims of the town in light of potential environmental, economic and social constraints which include:
- A changing population
  - Addressing the causes of deprivation
  - Limited space for growth and development
  - Achieving a step change in the economy
  - Providing suitable levels of housing, including affordable housing
  - Improving accessibility to the town
- 4.3 Hastings is within a two-tier area, with East Sussex County Council providing public services such as education, highways and social services. Along with East Sussex County Council, Hastings has important connections with neighbouring Rother District Council, particularly with regard to the urban fringes, transport and accessibility, and economic development. The interdependencies between Hastings and Bexhill (within Rother) are such that the wider area of Hastings and Bexhill are often considered together in a planning and regeneration context.

## **5.0 Co-operation to date**

- 5.1 Hastings Borough Council has undertaken a wide range of engagement and discussion with relevant local authorities and public organisations to ensure that there has been in the past, and will be in the future a high level of cooperation in the plan making process.
- 5.2 Appendix A provides full details of the cooperation to date in preparing the Hastings Planning Strategy and its supporting documents. The schedule has been prepared using a County-wide template for reasons of consistency. Further details on particular aspects of joint working are provided below.

### **Local Strategic Partnership**

- 5.3 Through the Hastings and St Leonards Local Strategic Partnership, Hastings Borough Council works in partnership across the County with the other local authorities, statutory service partners and partners from the business, community and voluntary sector through our involvement with the East Sussex Strategic Partnership.
- 5.4 More locally, the Hastings and St Leonards Local Strategic Partnership also focuses on issues that affect Hastings alone. The Local Strategic Partnership comprises partners from of a wide variety of sectors including health, education, police and the business and community/voluntary sector. There are around 26 partners on the Board which meet every quarter. The Hastings and St Leonards Local Strategic Partnership includes representatives from public agencies, business, voluntary and community sectors.

### **Cross boundary working groups**

- 5.5 Hastings Borough Council Planning Policy team participates in regular Local Plan/Local Development Framework working groups that involve all authorities in East Sussex, as well as the South Downs National Park Authority. These meetings include the following:
  - LDF Officers Group – lead Planning Policy officers discuss strategic issues that affect more than one local authority. These include issues such as transport, waste, environment and gypsies and travellers.
  - Infrastructure Delivery Group – Planning policy and county officers discuss infrastructure needs, working together to contact service providers to inform the production of Infrastructure Delivery Plan. A schedule template has also been developed and agreed across the County.
  - Community Infrastructure Levy (CIL) – working together to commission a study into the viability of implementing CIL and to share information regarding CIL and infrastructure delivery plans
- 5.6 Hastings Borough Council, along with Rother District Council, East Sussex County Council, University of Brighton, Bexhill and Sussex Coast colleges and a consortium of local businesses and voluntary organisations, together make up the Hastings and Rother Task Force. Established in 2001, the Task force continues to provide the strategic direction for regeneration in Hastings and Bexhill. Hastings Borough Council also works closely with the High Weald Area of Outstanding Natural Beauty (AONB) unit and Combe Valley Management,

along with Rother District Council, to address and manage issues on the urban fringes.

## **Co-operation in the preparation of the Hastings Planning Strategy**

- 5.7 At each stage of the Planning Strategy preparation process (Issues & Options, Preferred Approaches, Informal consultation and Proposed Submission) key stakeholders, all relevant local authorities and public bodies were contacted and invited to submit representations during both the statutory and informal consultation periods. Various workshops, roadshows and exhibitions were also held during these stages. Full details, including who was contacted when, are set out in our consultation report, available on our website at [http://www.hastings.gov.uk/environment\\_planning/planning/localplan/consultation/#planning\\_strategy](http://www.hastings.gov.uk/environment_planning/planning/localplan/consultation/#planning_strategy).
- 5.8 In addition to the more formal stages of consultation, we have also ensured continuous dialogue has taken place with key stakeholders and organisations, particularly, East Sussex County Council in terms of transport issues, Rother District Council for housing, employment and the urban fringe, as well as outside organisations such as Natural England, the Environment Agency and Southern Water for site specific issues and in developing our policies.
- 5.9 How we have worked with Rother District Council to determining our housing target is demonstrated in our background paper “Assessment of Housing Need in Hastings and Rother” (2012), available at [http://www.hastings.gov.uk/environment\\_planning/planning/localplan/evidence\\_base/#assessment](http://www.hastings.gov.uk/environment_planning/planning/localplan/evidence_base/#assessment).

## **Evidence base**

- 5.10 Hastings Borough Council has prepared or commissioned several evidence base and supporting documents to support the preparation of the Planning Strategy. These are all available on our website at [http://www.hastings.gov.uk/environment\\_planning/planning/localplan/evidence\\_base](http://www.hastings.gov.uk/environment_planning/planning/localplan/evidence_base).
- 5.11 Several of these evidence base studies were prepared jointly with Rother District Council in recognition of the strategic cross boundary issues. Hastings is at the centre of the travel-to-work which covers all of Hastings Borough and most of Rother District. Hastings and Rother have also been identified as a single housing market area. In view of this:
- The Hastings and Rother Employment Strategy and Land Review and its Update was produced by a team of officers from both councils, with additional help from East Sussex Council’s demographers and economic development officers
  - The Hastings and Rother Housing Market Assessment was jointly commissioned. In addition the two Councils have jointly prepared a background paper drawing on the above and setting out in more detail the reasoning behind the scale of housing development proposed in their respective Strategies, having due regard to the guidance in the National Planning Policy Framework. The findings of the above studies have directly informed the Hastings Planning Strategy. Both Councils believe



their planning strategies are complementary in meeting local housing needs across the housing market area, and in agreement about the provision of the major employment site proposed at Bexhill to meet their joint strategic requirements.

- Local Plan Sensitivity Assessment (Traffic Modelling) also with East Sussex County Council - the assessment has been undertaken to inform the Local Plan processes for Rother DC and Hastings BC and specifically to provide an assessment of the levels and broad distribution of development in their respective Core/Planning Strategies. The modelling has identified which junctions are likely to be over capacity in 2028 depending on the development scenario and the infrastructure provided. The locations identified for improvements have been reflected in the respective Infrastructure Delivery Plans as critical or important infrastructure to support the overall delivery of development. Further more detailed capacity assessments and junction design work will be required. In addition close liaison with the Highway Agency and the County Council will be required to investigate the feasibility of options for improving traffic conditions and flows along The Ridge and, in particular, for increasing capacity of the A21 Baldslow junction.

5.12 In addition, both Rother District Council and East Sussex County Council have been kept closely informed of progress of other studies where it was necessary to assess beyond the borough boundary, or where the authorities may have an interest. Amongst others, these include in particular the Strategic Flood Risk Assessment and Renewable and Low Carbon Energy Study.

### **Infrastructure Delivery Planning**

5.13 Some of the most significant discussions have taken place between Hastings Borough Council and the authorities with responsibility for technical and infrastructure issues associated with the delivery of the Planning Strategy.

5.14 East Sussex County Council is a particularly significant partner, and cooperation has taken place regarding issues such as school provision, library services, adult social care facilities, public transport provision, cycling and highway improvements. In addition, significant dialogue has been ongoing about strategic road improvements, including the Bexhill-Hastings Link Road, which will be key requirements to support the delivery of regeneration and growth as set out in the Planning Strategy.

5.15 In preparation of the Infrastructure Delivery Plan, we have contacted (on various occasions) the service providers as identified in Appendix B, to ascertain the impact of development in the Planning Strategy on their services. Their responses have been included in the most recent version of the IDP, available at [http://www.hastings.gov.uk/environment\\_planning/planning/localplan/ldf\\_documents](http://www.hastings.gov.uk/environment_planning/planning/localplan/ldf_documents).

## **6.0 Conclusion**

6.1 Hastings Borough Council has had a high level of cooperation with other authorities and public bodies, particularly Rother District Council and East Sussex County Council, and had participated in a number of joint studies. This is reflected in the Hastings Planning Strategy.

6.2 This co-operation will continue with the production of the Development Management Plan.

6.3 A co-operative approach to the development of a community Infrastructure Levy (CIL) is also being undertaken. This work is on-going as a partnership between all East Sussex local planning authorities, Brighton & Hove City Council and the National Park Authority.

## Appendix A – Schedule

Strategic Matter	Geographical Boundary	Who with?	What happens now? (Technical liaison/Member involvement)	Gaps	Recommendation for Governance	Outstanding issues on deliverability
Spatial Vision/strategic objectives	HMA, TTWAs, Sub-regions, AONB	Rother District Council, Local Strategic Partnership, East Sussex County Council	South East Plan provides over-arching regional, and sub-regional, vision East Sussex LSP 'Integrated Sustainable Community Strategy' Joint visioning work for Bexhill and Hastings (Hastings and Rother)	N/A	Review joint working ahead of next round of Local Plan preparation. This would be initially by Local Plan Officers and Planning Liaison Group	No cross-county planning group.
Population and Housing	Housing Market Areas	Homes and Communities Agency, Rother District Council, East Sussex County Council	County-wide input to the South East Plan, including on housing capacities County-wide development of the Sussex Coast sub-region policies Joint meeting of Hastings and Rother Councils ESCC Housing Delivery Group Joint SHMA (Hastings and Rother) Joint housing need update (Hastings and Rother) General liaison with RDC on sites Pooling of information in Development Monitoring Database (led by ESCC) Planning Liaison Group Development of Infrastructure Delivery Plan – continuous	No current gaps, but will need to consider how to work across HMAs to ensure robust and co-ordinated housing provisions when the SE Plan is revoked.	Review joint working ahead of next round of Local Plan preparation. (This will need to be HMA-based)  A wider agreement on the methodology for identifying "housing need" would help support SHMAs.	Uncertain impact of neighbourhood plans and CIL

Strategic Matter	Geographical Boundary	Who with?	What happens now? (Technical liaison/Member involvement)	Gaps	Recommendation for Governance	Outstanding issues on deliverability
			engagement with providers			
Employment	Journey to Work Areas	Rother District Council, East Sussex County Council	See Economic Growth/Regeneration Tourism below	See Economic Growth/Regeneration Tourism below	See Economic Growth/Regeneration Tourism below	See Economic Growth/Regeneration Tourism below
Economic Growth/Regeneration Tourism	Economic Regeneration Priority Areas	Rother District Council, East Sussex County Council	Joint meeting of Hastings and Rother Councils Joint Employment Land Review (Hastings and Rother) Regard to the '5 Point Plan' for the regeneration of Hastings and Bexhill Input to, and regard to, the East Sussex Economic Assessment Joint tourism marketing of '1066 Country' South East Plan sets out a hierarchy of major retail centres Liaison with BT on broadband implementation Planning Liaison Group	No current gaps, but will need to consider how to work across TTWAs to support sustainable economic growth when the SE Plan is revoked.	Review joint working ahead of next round of Local Plan preparation.	LEP role in future planning is not clear.
Retail	Retail Catchment Areas	Rother District Council, East Sussex County Council	Joint meeting of Hastings and Rother Councils Planning Liaison Group Retail hierarchy in SE Plan Regard to town centre strategies for Eastbourne and Bexhill and wider catchment area	Formal liaison with other authorities in wider retail catchment area  LEP input		
Transport	Various Levels Strategic Links and Hubs	Rother District Council, East Sussex County	Joint meeting of Hastings and Rother Councils Planning Liaison Group	No current gaps, but will need to consider if there is	LEP input to LTPs Inter-county transport	LEP role in transport planning is not clear

Strategic Matter	Geographical Boundary	Who with?	What happens now? (Technical liaison/Member involvement)	Gaps	Recommendation for Governance	Outstanding issues on deliverability
	Economic Regeneration Priority Areas	Council, Network Rail, Highways Agency	Close working with RDC, ESCC, HA on delivery of strategic infrastructure (Link Road) Hastings and Bexhill Transport Study with ESCC and HA Hastings and Rother Accessibility Assessment Input to Local Transport Plan 3 Quality Bus Partnership Development of Infrastructure Delivery Plan – continuous engagement with providers Input to the A259 Route Management Strategy Liaison with ESCC regarding Community Transport On-going car parking review with East Sussex CC & other districts	a need to complement the LTPs in terms of identifying strategic transport priorities when the SE Plan is revoked.	studies (e.g. A21)	
Education	School Catchment Areas	East Sussex County Council	Planning Liaison Group Development of Infrastructure Delivery Plan – continuous engagement with providers			
Health and Wellbeing	NHS	Hastings and Rother Primary Care Trust	Planning Liaison Group Development of Infrastructure Delivery Plan – continuous engagement with providers	Long term forecasting difficult, particularly given current reforms	Need to keep under review with new healthcare responsibilities	
Water Supply and Waste Water Treatment	Water company areas	Rother District Council, Southern Water	Planning Liaison Group Development of Infrastructure Delivery Plan – continuous			

Strategic Matter	Geographical Boundary	Who with?	What happens now? (Technical liaison/Member involvement)	Gaps	Recommendation for Governance	Outstanding issues on deliverability
			engagement with providers			
Environment (conservation and enhancement including green infrastructure)	Designated Sites/ Landscapes, Water Catchment Areas, Biodiversity Opportunity Areas, Landscape Character Areas	Rother District Council, Natural England, Environment Agency, English Heritage, Sussex Wildlife Trust, East Sussex County Council	ESCC Green Infrastructure Group Planning Liaison Group Liaison with NE regarding Appropriate Assessment Joint working with ESCC authorities on cumulative impacts on Pevensey Levels arising from all new development Contributions to the ESCC Open Spaces Strategy Consultation with statutory bodies on SA/SEA documents		Need to maintain co-ordination in relation to strategic GI (presently met by ESCC group).	
Flood Risk	Coastal & fluvial, local	Rother District Council, Environment Agency, Natural England.	Planning Liaison Group Development of Infrastructure Delivery Plan – continuous engagement with providers Regard to Shoreline Management Plan Development of Surface Water Management Plan in consultation with EA and ESCC			
Waste	Proximity Principle boundary	East Sussex County Council	Planning Liaison Group Regard to Waste and Minerals Local Plan			
Minerals	Specialist materials, marine, import	East Sussex County Council	Planning Liaison Group Regard to Waste and Minerals Local Plan			
Gypsies and Travellers	Local/transit	East Sussex County Council Brighton & Hove	Joint countywide work on South East Plan Partial Review with regards to	No current gaps, but need to jointly monitor the need	Review joint working ahead of next round of Local Plan preparation	

Strategic Matter	Geographical Boundary	Who with?	What happens now? (Technical liaison/Member involvement)	Gaps	Recommendation for Governance	Outstanding issues on deliverability
		City Council Lewes District Council Rother District Council Wealden District Council Eastbourne Borough Council	Gypsies and Travellers Consideration of targets for gypsy and traveller pitches on a County-wide basis for input to SE Plan partial review Joint agreed methodology for calculating the need for G&T pitches across East Sussex	for a further transit site in the county, and agree a process to identify a suitable site, if needed.		

## **Appendix B – Infrastructure Service Providers**

The following service providers were contacted during the preparation of the Infrastructure Delivery Plan:

East Sussex County Council  
Highways Agency  
Southern Railway  
Southeastern Railway  
Network Rail  
Sustrans  
Stagecoach  
Freight Transport Association  
National Grid UK  
UK Power Networks  
Southern Gas Networks  
Scotia Gas Networks  
Renewable UK  
British Telecom  
Mobile Operators Association  
Southern Water  
Environment Agency  
South East Coast Strategic Health Authority  
NHS Sussex  
East Sussex Hospitals NHS Trust  
University of Brighton  
University of Sussex  
South East Coast Ambulance Service  
Fire and Rescue  
Sussex Police  
Freedom Leisure  
Natural England  
Sussex Wildlife Trust