Statement of Common Ground: Regulatory matters - Duty to Co-operate Statement

Issue 1: Regulatory Matters – Duty to co-operate

Has the duty to co-operate been met with regard to any cross boundary implications of the proposed urban extension to Christchurch (proposed in the emerging Christchurch Borough Core Strategy), particularly in relation to a possible renewable energy centre and/or SANGS? (NB If the statutory duty to co-operate is not met the plan would have to be withdrawn.)

If the statutory duty is met, does the requirement of the NPPF for strategic planning across local boundaries mean that the Local Plan should address (by any specific policies, proposals or explanatory text) any cross boundary implications of the proposed urban extension to Christchurch?

I would welcome a SCG from as many of the relevant parties as possible e.g: District Council, Christchurch Borough Council, Hampshire County Council as minerals planning authority and Meyrick Estate Management Ltd (rep 370b).

Introduction

The statement below separates out the two issues raised in the Inspector’s question (a possible renewable energy centre and a SANG). Section 1 outlines the common ground that has been agreed between the parties involved. Section 2 details the difference in opinion that still exists between the parties involved. Appendix 1 to this statement provides a map setting out proposals associated with Roeshot. Appendix 2 sets out a timeline of relevant events relating to both matters.

Section 1 - Agreement

Renewable Energy Centre

1. In their representations (370), dated the 2nd March 2012, to the Council’s Proposed Submission Document (Document S1) the Meyrick Estate Management Ltd (MEM Ltd) suggest that the plan is unsound as it fails to consider Roeshot in Section 5 of the document. MEM Ltd believes NFDC
could acknowledge the potential for the strategic need for renewable energy facilities as identified in the Hampshire Energy Strategy 2010. Please see Appendix 1 for a map identifying the North Christchurch Urban Extension and the proposed minerals extraction site in the submitted Hampshire Minerals and Waste Plan. The map in Appendix 1 also identifies an area of land previously identified in the Dorset Minerals Site Allocations Document – Discussion Paper (October 2008).

2. MEM Ltd have made representations highlighting the potential for site-wide renewable energy supply as part of the Urban Extension, both in representations to the Christchurch Borough Council (CBC) and East Dorset District Council (EDDC) Core Strategy, and comments on the Stage 1 and 2 Master Planning reports. MEM Ltd is no longer seeking a site specific allocation for a renewable energy centre in the NFDC’s Local Plan Part 2 (Sites and Development Management).

3. The Master Planning studies for the North Christchurch Urban Extension have indicated that not all forms of renewable energy power may be viable in a development of the size of the Urban Extension. For that reason, and given the other significant costs associated with development of this site, the CBC and EDDC Core Strategy policy encourages renewable energy provision subject to feasibility and viability, but does not seek a specific requirement.

4. CBC is not therefore seeking any allocation for a renewable energy facility to support the Urban Extension in any development plan.

5. Hampshire County Council (HCC) has confirmed that a renewable energy centre is not a requirement of the proposed minerals allocation at Roeshot. HCC has also clarified that if the Renewable Energy Centre was for an Anaerobic Digestion or similar type waste facility, the Hampshire Minerals and Waste Core Strategy and thereafter (once adopted) the Hampshire Minerals and Waste Plan includes policies to guide such development.

6. MEM Ltd wishes to see a reference to the Hampshire Renewable Energy Strategy, completed by Arup in 2010, which deals with strategic demand for such facilities in relation to major housing development as set out below. In addition MEM Ltd wishes to clarify the capacity issue on biomass in relation to electrical or thermal megawatts. Please see the table below which details proposed changes put forward by NFDC in relation to the supporting text of Policy DM3 in the Local Plan Part 2 (Sites and Development Management).

<table>
<thead>
<tr>
<th>Change No.</th>
<th>Page / Para. / Policy No.</th>
<th>In response to:</th>
<th>Amendment</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch2.23 2.15</td>
<td>MEM Ltd Management Ltd</td>
<td>Amend supporting text to read:</td>
<td>Having regards to the recommendations in this study the types of renewable energy development that could be considered within the framework set by Policy DM3, subject to satisfactory compliance with the criteria set out above, could include, but is not limited to:</td>
<td>Revision to clarify intent.</td>
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### Suitable Alternative Natural Greenspace (SANG)

7. In their representations (370) to the Council’s Local Plan Part 2 Proposed Submission Document, MEM Ltd suggest that the plan is unsound as it is silent on the Roeshot area and believes this is an omission in the plan. MEM Ltd believes the plan should reflect policy positions in CBC and HCC Minerals plans. Furthermore, MEM consider that given it is highly likely that the SANG for Roeshot will be required within the NFDC Plan Area the plan should refer to the potential SANG proposed to support the urban extension north of Christchurch which is required to facilitate the delivery of a strategic housing need in a neighbouring Borough.

8. NFDC has not received any response to its consultations on its Local Plan Part 2 from CBC.

9. NFDC has been aware of possible proposals regarding a SANG since 2008, when the Council responded to a consultation on the Christchurch and East Dorset Core Strategy Issues and Options. NFDC has responded to all the consultations that have taken place on the Christchurch and East Dorset Core Strategy and has consistently raised cross-boundary issues associated with the North Christchurch Urban Extension. The Council has emphasised, in its responses, that it would like to be kept fully informed of proposals regarding the SANG given its location within the New Forest District. The proposal to create a SANG is broadly supported by NFDC.

10. In April this year, NFDC initiated a meeting with CBC and the NFNPA following the period of representations on the Council’s Proposed Submission Document of its Local Plan Part 2. Discussion took place regarding the North Christchurch Urban Extension and the representations NFDC had received from MEM Ltd. Furthermore, discussion took place regarding the SANG Strategy in particular. CBC provided an update with regards to the SANG Strategy and draft maps were circulated and discussed. The draft maps and a copy of the Draft SANG Strategy had been sent to NFDC prior to the meeting. The maps detailed that the part of the SANG Strategy which crosses the Hampshire boundary mainly involves land in the New Forest National Park (NFNP) as opposed to land within NFDC’s Plan Area.
11. CBC has stated to NFDC that the SANG strategy is intended to demonstrate to the Inspector on the CBC and EDDC Core Strategy that a SANG can be provided to serve the urban extension. It is not set out as the only possible solution, and indeed, there may be other solutions, which will be judged by Core Strategy policies for the Urban Extension and SANGs generally. For this reason, CBC is not seeking any allocation of land for a SANG either within New Forest District or the National Park, and has not therefore made any representations seeking such an allocation in any Local Plan.

12. The New Forest National Park Authority (NPA) responded to the Christchurch & East Dorset Core Strategy Pre-Submission draft in June 2012. In its response the NPA broadly welcomed the principles behind the proposed habitat mitigation measures to attract people away from the Dorset Heathlands and the protected habitats within the New Forest National Park. The NPA’s representation noted the considerable lack of detail within the draft Core Strategy on the proposed SANG. It was April 2012 that the NPA was first informed that the principle area of SANG is proposed to be located within the National Park and therefore under the NPA’s planning remit.

13. The NPA is willing to be involved with the Urban Extension Advisory Group and awaits the final SANG Strategy which it is understood is still under preparation following liaison between Natural England, MEM Ltd and Christchurch Borough Council. Should planning permission be required for any elements related to a future SANG within the National Park, Policy CP3 (Green Infrastructure) of the NPA’s adopted Core Strategy & Development Management Policies DPD (Dec. 2010) provides the appropriate policy basis for considering proposals.

14. At a meeting with MEM Ltd and CBC on the 4th October 2012, MEM Ltd confirmed that it was not seeking a specific allocation in NFDC’s Local Plan Part 2 relating to a SANG. Although MEM Ltd does not seek an allocation in the Council’s Local Plan Part 2 MEM Ltd consider that greater recognition should be made of the North Christchurch Urban Extension in the Council’s Local Plan Part 2.

15. Both CBC and MEM Ltd can confirm that the SANG Strategy for Roeshot remains work in progress and that discussions between CBC, MEM Ltd and Natural England continue to take place. However, the principle of three SANG sites distributed to the west, centrally along the River Mude, and east of the urban extension (to reflect its linear shape) north of the railway with linking routes is agreed as common ground between those parties in terms of the current SANG strategy, and subject to the caveats already set out in paragraph 11 above. Some element of the Roeshot SANG is highly likely to be located within the NFNP or the NFDC Plan Area given the agreed principles. NFDC is happy to work with CBC, MEM Ltd and Natural England on developing the SANG strategy and is happy to be fully involved with discussions about any proposals associated with the urban extension as they are progressed.

Section 2 – Issues still not Agreed

Renewable Energy Centre

MEM Ltd’s View

16. MEM Ltd would like the proposed reference (Change No 2.26) to the ‘Towards a Hampshire Energy Strategy’ (April 2010) to include the following additional text:

‘Relevant sections of the Arup Report include Chapter 6 (on new housing), Section 7.2 (on new non-residential development) and Section 9.5 (on improving the performance of
NFDC’s View

17. NFDC considers that it would be out of context and too detailed to make specific reference to particular sections and chapters of the document titled ‘Towards a Hampshire Energy Strategy’ in the context of the north Christchurch urban extension given that the study is applicable to the whole of the NFDC Plan A area. In addition the north Christchurch urban extension is not yet an allocated site in an adopted development plan.

Suitable Alternative Natural Greenspace (SANG)

MEM Ltd’s View

18. At a meeting with MEM Ltd and CBC on the 4th October 2012, MEM Ltd outlined that it was not seeking a specific allocation in NFDC’s Local Plan Part 2 relating to a SANG. Although MEM Ltd does not seek an allocation in the Council’s Local Plan Part 2 MEM Ltd consider that greater recognition should be made of the North Christchurch Urban Extension in the Council’s Local Plan Part 2. MEM Ltd considers that the revised wording (please see paragraph 20 below) does not go far enough and that further wording should be inserted into NFDC’s Local Plan Part 2 relating to the North Christchurch Urban Extension proposed within the CBC and EDDC Core Strategy because Green Infrastructure and SANG have a different legal purpose and the role of SANG is more defined and specific for mitigation in order to allow residential development to proceed thereby facilitating delivery of a strategic housing need in a neighbouring Borough.

19. MEM Ltd disagrees with CBC in respect of paragraph 11 above. MEM Ltd do not believe there are any deliverable alternative solutions for the provision of SANG for the Roeshot urban extension as none have been demonstrated to satisfy the requirements of the emerging SANG policy expressed in the proposed Policy ME2 and Appendix 5 of the EDDC/CBC Core Strategy.

NFDC’s View

20. NFDC has proposed a change to the submitted plan (Document NFDC2, Change No 2.4). This proposes inserting a new paragraph as follows: ‘2.26a Some strategic green infrastructure issues cross local authority areas. The Council will work with other local authorities to secure the delivery of appropriate strategic GI projects’.

21. NFDC is happy to work with CBC, MEM Ltd and Natural England to agree the final SANG Strategy, including detailed proposals. Proposals in the final SANG Strategy can be considered and possibly included in NFDC’s Green Infrastructure Strategy. Furthermore should planning permission be required for any elements related to any future SANG, Policy DM9: Green Infrastructure (especially part (v)) in the submitted Local Plan Part 2 provides an appropriate policy basis for dealing with any SANG proposals.

22. As is shown in Appendix 2, NFDC has engaged with CBC and MEM Ltd at every key stage in the process and considers that it has appropriately met the “duty to co-operate” requirements in preparing the Local Plan Part 2. NFDC would like to be invited to future meetings of the Christchurch Urban Extension Group so that it can be fully involved with discussions about any proposals associated with the urban extension as they are progressed.
23. The Council’s view is that having regard to the above, the requirements of the NPPF in relation to cross boundary implications are appropriately addressed in the Plan.
Appendix 1: Map
Appendix 2: Timeline

25th March to 6th May 2008 – Consultation on Christchurch and East Dorset Core Strategy
Issues and Options

New Forest District Council (NFDC) responded to the consultation including highlighting the likely
impacts of development north of Christchurch on the New Forest District including the National Park.
The Council also highlighted that it felt that the inter-relationships between the proposals in
Christchurch and the New Forest District/National Park could be drawn upon further. There was no
reference in the consultation document to either a SANG or a renewable energy centre in the
adjoining part of New Forest District.

4th October to 24th December 2010 – Consultation on Christchurch and East Dorset Core
Strategy – Options for Consideration

NFDC responded to the consultation including highlighting the likely impacts of development north of
Christchurch on New Forest District. NFDC specifically highlighted that in the options under
consideration (UE1 to UE4) proposals were outlined for a Suitable Alternative Natural Greenspace
(SANG) and that under all options the SANG was located on land to the north of the railway line within
New Forest District. In its response, NFDC emphasised that it would like to be kept fully informed of
proposals regarding the SANG. NFDC highlighted in its response that careful consideration would
need to be given to proposals for the SANG and possible future minerals extraction in the area north
of the railway line. NFDC also highlighted that careful consideration would need to be given to
proposals to move the Roeshot Hill Allotments north of the railway line under Option UE1 and UE2.

28th January to 11th March 2011 - Public Consultation on New Forest District Council Sites and
Development Management DPD

NFDC carried out a consultation on its emerging Sites and Development Management DPD
(Document S2). NFDC received responses from MEM Ltd (729,873,909), Dorset County Council
(869) and Hampshire County Council (692). However MEM Ltd, in their consultation response, did
not make any reference to a proposed Renewable Energy Centre at Roeshot or a proposed SANG on
land in their ownership. No comments were received from Hampshire CC (692) or Dorset CC (869) in
relation to minerals extraction (there is reference from Dorset CC, to the need for cross boundary
green infrastructure). NFDC did not receive a response from CBC.

20th January to 2nd March 2012 - Period of Representations on New Forest District Council
Sites and Development Management DPD Proposed Submission Document

NFDC published its Sites and Development Management DPD (Document S1) for a Period of
Representations. NFDC received representations from MEM Ltd (224, 370), Dorset CC (217) and
Hampshire CC (382). Rep 370 from MEM Ltd suggests that the Proposed Submission Document is
unsound as it fails to consider Roeshot in Section 5 of the document. MEM Ltd commented that a
policy identifying land at Roeshot for a Renewable Energy Centre, to service the North Christchurch
Urban Extension and to serve the proposed sand and gravel extracted from the site at Roeshot (identified in the submitted Hampshire Minerals and Waste Plan), should be included in the plan. In addition MEM Ltd commented that a policy should be included in the plan referring to the SANG proposed to support the urban extension north of Christchurch. Dorset CC (217) considered the plan to be sound. NFDC did not receive a response from CBC.

24th April 2012 - Meeting with CBC and the NFNPA to discuss Cross Boundary Issues

NFDC initiated a meeting with CBC and the NFNPA following NFDC’s Period for Representations on the Proposed Submission Document of the Sites and Development Management DPD. Discussion took place regarding the North Christchurch Urban Extension and the representations the NFDC had received from MEM Ltd including a representation regarding the Roeshot Energy Centre. CBC outlined that they were unaware of such a proposal and it was not something about which they have had discussions with MEM Ltd. With regards to the proposed SANG CBC provided copies of the draft SANG Strategy and maps were circulated and discussed. The draft maps and a copy of the Draft SANG strategy had been sent to NFDC prior to the meeting. The maps detailed that the part of the SANG strategy which crosses the Hampshire boundary mainly involves land in the New Forest National Park (NFNP) as opposed to land within NFDC’s Plan Area.

2nd April to 25th June 2012 – Period of Representations on Christchurch and East Dorset Core Strategy Pre-Submission Document

NFDC responded to the Period of Representations on the Christchurch and East Dorset Core Strategy Pre-Submission Document and commented on a number of different issues including the Christchurch Urban Extension. The Council outlined in its response that it would like to be fully involved in the progression of proposals regarding the SANG given its location within the New Forest District. In addition the Council outlined in its response that it considered it would be useful if the Council was invited to future meetings of the Urban Extension Advisory Group so that it could be fully engaged with issues associated with the proposed SANG and other cross boundary issues of interest.

31st May 2012 - Meeting between the NFNPA and MEM Ltd

Meeting to discuss issues regarding the proposed urban extension at Christchurch and in particular the proposed SANG. NFDC was not invited to the meeting, which was arranged by MEM Ltd, but was informed of the discussions that took place at the meeting by the NFNPA.

5th September 2012 - Meeting between MEM Ltd, CBC and Natural England regarding SANG Strategy
Meeting to discuss the emerging SANG Strategy. NFDC was not invited to the meeting.

4th October 2012 – Meeting with CBC and MEM Ltd to discuss the Statement of Common Ground

Meeting to discuss a draft version of a Statement of Common Ground circulated by NFDC.