Draft Test Valley Local Plan 2042 Duty to Cooperate Topic Paper

June 2025



1 Introduction

- 1.1 This topic paper provides a summary of how the Council is meeting the Duty to Cooperate obligations as required by the Localism Act 2011, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) to maintain effective and ongoing cooperation. This requires the Borough Council to engage with a wide range of stakeholders, including neighbouring authorities, 'prescribed' bodies and local communities.
- 1.2 The purpose of this paper is to support the Revised Regulation 18 statutory consultation on the draft Local Plan 2042. The previous draft Regulation 18 Stage 2 local plan included the level of growth for housing, employment and the infrastructure required to deliver this to support the borough's communities and meet their future needs, whilst also protecting the local environment. Since then, a revised NPPF has been published, which has increased the borough's housing needs significantly. The Revised Regulation 18 consultation focusses on those matters related to addressing the increased housing needs and proposes a series of site allocations to meet this.
- 1.3 A topic paper on Duty to Cooperate was prepared for Regulation 18 Stage 2 and this paper updates this. Following the public consultation, we will take account of feedback to refine the draft Local Plan and update the Duty to Cooperate topic paper again for the next stage at Regulation 19.
- 1.4 The purpose of working in cooperation is to address strategic cross-boundary planning matters. Engagement may vary depending on the nature and scale of the issue and any partnership or working arrangements already in place between the Borough Council and other bodies or organisations.
- 1.5 Such cooperation may take the form of working in partnership on specific issues that affect a wider area than just Test Valley through the commissioning of joint evidence or a joint strategy. Working in cooperation takes place at both officer and at elected member level.
- 1.6 The strategic planning matters covered in this topic paper and set out in more detail in Section 3 are:

Housing

- planning and delivering housing needs across South Hampshire
- o planning and delivering significant housing sites at Ludgershall
- **Employment** helping to meet employment needs across North and South Hampshire
- **Nature Conservation** the cumulative impact of residential development on the international nature conservation designations of the New Forest, the Solent and Salisbury Plain.
- **Nutrient neutrality** the cumulative impacts of additional nutrient input from new development on the Solent, River Avon and River Itchen

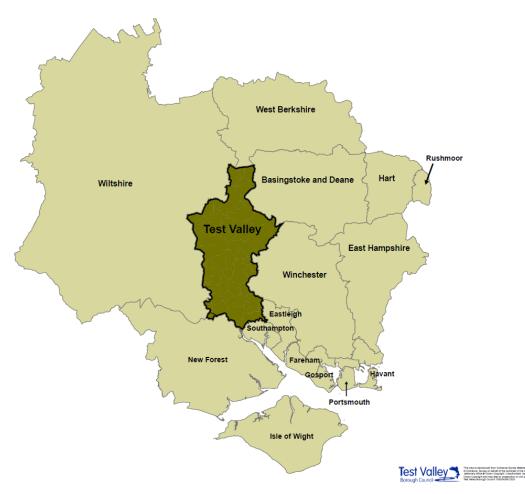
- River Itchen Special Area of Conservation the approach to considering potential impacts on the River Itchen SAC compensation measures, which includes parts of the River Test and some of its tributaries
- 1.7 An overview of other important matters that the Council are working collaboratively on are also set out in this paper in addition to how the requirement to maintain effective cooperation will be carried forward for the next Regulation 19 stage of preparation of the Draft Local Plan 2042. This demonstrates the Council's ongoing commitment to engagement with stakeholders and legally prescribed bodies to inform the Local Plan 2042 document and processes.
- 1.8 While the requirement to cooperate is not a duty to agree, it does require local authorities to cooperate with each other and prescribed bodies on a range of strategic planning matters on an ongoing basis. The Planning and Compulsory Purchase Act 2004 (Section 33A) sets out the legal requirements of the need to cooperate and states that to ensure strategic matters are addressed through Local Plans, local planning authorities need to "...engage constructively, actively and on an ongoing basis."

2 Policy context

- 2.1 The NPPF requires that local planning authorities and County Councils cooperate with each other, alongside other prescribed bodies. The requirement for 'maintaining effective cooperation' is captured in paragraphs 24 28 of the NPPF which sets out that "Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans." This requirement will be a consideration in the test of soundness of a local plan in being able to demonstrate that the plan has been positively prepared.
- 2.2 The legal requirements to cooperate are set out in legislation including who and how local authorities needs to cooperate with. For Test Valley Borough Council, the strategic planning matters outlined above, and set out in more detail in Section 3, provide the basis for cooperation with a number of adjoining local authorities, strategic partnerships and legally prescribed bodies. Adjoining authorities and legally prescribed bodies are detailed further below in this section.
- 2.3 Section 110 of the Localism Act (2011) sets out the requirement for cooperation and upon whom those requirements fall. It applies to all local planning authorities, National Park authorities and county councils across England. This includes cooperating with the authorities that adjoin Test Valley Borough Council which are:
 - Basingstoke and Deane Borough Council

- Eastleigh Borough Council
- New Forest District Council
- Southampton City Council
- Wiltshire Council
- West Berkshire Council
- Winchester City Council
- 2.4 Map 1, below, shows the local planning authorities adjoining Test Valley Borough. It should be noted that the south west part of the Borough is covered by the New Forest National Park Authority, which is the local planning authority for that area. The Council has also been engaging with the National Park Authority.

Map 1 – Hampshire and the Isle of Wight local authorities



2.5 The Council works collectively with authorities across South Hampshire, including Hampshire County Council, through Partnership for South Hampshire (PfSH) voluntary partnership¹ on a range of strategic planning matters, including on a joint evidence base. A Spatial Position Statement

¹ Test Valley is part of the PfSH Partnership together with Eastleigh, Fareham, Gosport, Hampshire County, Havant, New Forest, Portsmouth, Southampton, and Winchester Councils and New Forest National Park.

(SPS) for the sub-region, for the period to 2036, together with an overall vision and strategic direction covering the period to 2050, was published in December 2023². This is a non-statutory high-level strategic document, providing guiding principles to inform emerging local plans and assist the local planning authorities in meeting the duty to cooperate.

- 2.6 The requirement to maintain effective co-operation also applies to a number of other prescribed bodies, as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012, as follows:
 - Environment Agency
 - Historic England
 - Natural England
 - · Mayor of London
 - Civil Aviation Authority
 - Homes England
 - Hampshire Integrated Care Board
 - NHS England
 - · Office of Rail and Road
 - Transport for London
 - Highway authority (Hampshire County Council)
 - Integrated Transport Authority
 - Marine Management Organisation
- 2.7 We are also required to proactively engage with other partnerships as part of the preparation of the Local Plan. These include:
 - Hampshire Local Enterprise Partnership (abolished during the plan making process with government support withdrawn from April 2024 and now functions as part of Hampshire County Council)
 - Hampshire and Isle of Wight Local Nature Partnership (LNP)
- 2.8 Under national plans for local government reorganisation identified in the English Devolution White Paper, powers will be devolved to new strategic authorities (known as mayoral combined authorities) and two-tier local government will be reorganised to form unitary authorities. Hampshire will become a mayoral combined authority, with Test Valley encompassed within a new larger unitary authority whose boundaries are yet to be determined. Both the mayoral combined authority and the new larger unitary authority will be in place by 1st April 2028.

3 Our strategic planning matters

3.1 Throughout the process of developing the Local Plan 2042, the Council has engaged with all of the prescribed bodies, neighbouring authorities, Hampshire County Council and a wide range of other stakeholders.

² https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/

- 3.2 Cooperation has taken place through a variety of forms such as regular liaison meetings, working groups, partnership forums and consultation as a means of addressing specific issues.
- 3.3 The approach to engagement has been shaped around the scale and significance of the matter necessitating a varying and adaptive strategy as issues have evolved or enabling other parties to provide their relevant expertise.
- 3.4 The tables below set out the strategic cross-boundary planning matters that the Council has identified in the Local Plan 2042. They explain the detailed issues identified, with whom we have engaged on these matters and how we have addressed these matters to arrive at the current position.

Strategic Planning Matter 1a: Housing – Helping to meeting housing needs across South Hampshire Table 1

Considerations at	Considerations at	Considerations at	Engagement activities	Outcomes
Regulation 18 Stage 1	Regulation 18 stage 2	Revised Regulation 18	with prescribed bodies	
	(2024)	(2025)		
Formal commitment	Recommendation from	The progress of local	Continual engagement with	The PfSH SPS identifies a
sought from Havant	New Forest District	plans and associated	the Partnership for South	potential shortfall in
Borough Council to meet	Council to commit to	evidence for the	Hampshire (PfSH) as part of	identified supply of housing
2,000 homes in Test	considering a review of	authorities in South	the PfSH Spatial Position	of 11,771 dwellings. While
Valley.	the local plan where a	Hampshire are at varying	Statement (SPS).	it sets out housing need
	quantified unmet need	stages. No requests to		and supply as at 2023, for
Housing requirement	is established through a	take unmet need have	Statement of Common	the period up to 2036, the
consistent with PfSH	recently adopted local	been made to date.	Ground (SoCG) - sets out	position on unmet housing
SOCG.	plan in a neighbouring		how authorities work	need from the Borough's
	area.	Test Valley's housing	together on cross-boundary	neighbouring authorities
Recommendation from		requirement has increased	issues and progress on	and authorities within
Southampton City	Recommendation from	by 78% as a result of	evidence that informs the	South Hampshire
Council to test a higher	Winchester City Council	revisions to	SPS will be prepared.	continues to evolve
amount of housing than	that any surplus above	NPPF/Standard Method	Prepared pre-updated	particularly in light of the
the Local Housing Need	LHN contributes		NPPF.	revised NPPF. The
through the Sustainability	towards unmet needs in			progress of local plans and
Appraisal.	wider PfSH area.		Commenting on and	associated evidence for
			responding to local plan	the authorities in South
			consultations for adjoining	Hampshire are at varying
			and neighbouring	stages, with each local
			authorities in South	authority considering
			Hampshire.	whether they can meet
				their own housing needs.
				Test Valley Borough
				Council will continue to
				engage with neighbouring
				authorities and PfSH on
				this matter.

		Test Valley are planning to meet our own housing needs in full.
		To address points raised by neighbouring authorities, and reflecting discussions with them, the Interim SA (2025) tests three scenarios including delivery of higher growth. The Interim SA to support the Regulation 18 Stage 2 draft plan (2024) also tested scenarios that delivered above LHN.

Strategic Planning Matter 1b: Housing – planning and delivering significant housing sites at Ludgershall

Considerations at Regulation 18 Stage 1	Considerations at Regulation 18 stage 2 (2024)	Considerations at Revised Regulation 18 (2025)	Engagement activities with prescribed bodies	Outcomes
Ludgershall sites were not proposed at this stage.	Wiltshire's Submission Local Plan includes a strategic allocation on land southeast of Empress Way that adjoins Test Valley and HCC administrative boundaries. Test Valley's draft plan includes two allocations at Ludgershall that adjoin Wiltshire administrative boundary. Implementation, delivery and infrastructure matters raised by Wiltshire.	Coordinated and masterplanned approach to delivery and location of infrastructure, services and facilities across the allocations and cumulative impacts on highways and health	Regular meetings with Wiltshire Council and Hampshire County Council to discuss matters including education, highways and policy drafts. Hampshire and Wiltshire Integrated Care Board meeting to discuss health infrastructure. Meeting with Ministry of Defense and Network Rail	Ongoing and regular engagement with Wiltshire Council and Hampshire County Council to discuss delivery of infrastructure across the allocations and cumulative impacts on the transport network. Statement of Common Ground agreed with Wiltshire and Hampshire (November 2024) for the Wiltshire Local Plan review including agreement to work together through a collaborative and master planned approached addressing cross boundary matters.

Strategic Planning Matter 2: Employment - Helping to meet employment needs across North and South

Hampshire Table 2

Considerations at Regulation 18 Stage 1	Considerations at Regulation 18 Stage 2 (2024)	Considerations at Revised Regulation 18 (2025)	Engagement activities with prescribed bodies	Outcomes
PfSH study and need to factor in wider subregional need in Test Valley Review of employment land requirements as assessed in PfSH Study Taking into account requirements of Enterprise M3 Local Enterprise Partnership (LEP) and Solent LEP Local Industrial Strategy	Engagement with PfSH led to TVBC commissioning further evidence. Test Valley Employment Needs Further Analysis Study (2023) by DLP informing level of need of employment land. Draft site allocation policies included for employment uses in the Borough. Southampton City Council recognise supply exceeds overall need in southern area and support provision of B8 to meet wider needs. The Council undertook a further	LEP funding was withdrawn by Government – their functions are now transferred to local authorities Focused draft plan on housing needs. Employment needs to be covered at Regulation 19. West Berkshire's Local Plan has been adopted and there is no unmet need for employment land.	Continual engagement with the PfSH as part of the Spatial Position Statement (SPS) in relation to amount, distribution and type of employment needs subregionally and approach to apportionment. Statement of Common Ground (SoCG) - sets out how authorities work together on cross-boundary issues and progress on evidence that informs the SPS. Engagement with stakeholders to inform the Test Valley Employment Needs Study (2023), including with logistics developers and occupiers to understand the changing nature of requirements.	In light of higher housing requirement, we will reassess the employment land need figure for Regulation 19. The Regulation 18 Stage 2 draft plan identified a supply of employment land in excess of need. There are currently no formal requests to address any unmet need from neighbouring authorities in South Hampshire that requires consideration. Although meeting the need for B8 warehousing across southern Test Valley and South Hampshire will be a challenge due to availability of sites. The Employment Needs study (2023) considered subregional employment land needs as a factor.

'call for sites' alongside the LP Reg	Call for Sites resulted in limited further sites being
18 Stage 2 consultation.	submitted. These sites are included in the update to
Engagement with	the Strategic Housing and Economic Land Availability
West Berkshire Council following	Assessment (SHELAA, 2025).
request to help meet their unmet	
employment needs, primarily for office	
use but also for warehouses.	

Strategic Planning Matter 3: Nature Conservation - the cumulative impact of residential development on the international nature conservation designations of the New Forest, the Solent and Salisbury Plain. **Table 3**

Considerations at Regulation 18 Stage 1	Considerations at Regulation 18 Stage 2 (2024)	Considerations at Revised Regulation 18 (2025)	Engagement activities with prescribed bodies	Outcomes
Impact of new development, alone and in-combination with other plans, policies or projects on international nature conservation designations. Sufficient and adequate mechanisms to mitigate the impact of development.	Impact of new development, alone and in-combination with other plans, policies or projects on international nature conservation designations. Sufficient and adequate mechanisms to mitigate the impact of development. Regulation 18 Stage 2 draft plan contained draft policies, specifically BIO2: International Nature Conservation Designations	The Habitat Regulations Assessment supporting the draft Local Plan considers that subject to inclusion of its recommendations, the Test Valley Local Plan would contain a sufficient policy framework to protect all Habitat sites from adverse effects on integrity, either alone or in combination with other plans and projects. The HRA will be updated prior to the final draft Local Plan (Regulation 19 stage). The New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document (SPD) was adopted in January 2025.	Engagement with Natural England re. strategic approach to mitigation and site assessments. Continual engagement with the Partnership for South Hampshire (PfSH) as part of the PfSH Spatial Position Statement (SPS). Includes: Contributing to developing Solent Recreation Mitigation Strategy through the Solent Recreation Mitigation Partnership (or Bird Aware Solent) Membership of Steering Group to address recreational impacts on New Forest Special Protection Area/Special Area of Conservation/Ramsar site.	Strategic mitigation package in place for Solent Recreation Mitigation Strategy for the Solent designations. The Council is working with partners on a co- ordinated strategic approach to mitigation for recreational impacts arising from new residential development and overnight accommodation on the New Forest. This has led to The New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document (SPD) adopted in January 2025. The Council is working with Wiltshire Council to
		2025.		explore mitigation options

	Bird Aware Solent Revised Strategy was approved by the council's Cabinet in November 2024.	PfSH Statement of Common Ground (SoCG) - sets out how authorities work together on cross-boundary issues and progress on evidence that informs the SPS and development of draft policies in the Local Plan 2042. Liaison with Wiltshire Council regarding impact on Salisbury Plain Special Protection Area and existing mitigation approaches.	for recreational impacts on Salisbury Plain SAC and SPA. The Council continues to engage with bodies to refine mitigation approaches for the Regulation 19 stage. Site selection process and policy drafting informed by engagement with EA and NE. Allocation policies identify where appropriate mitigation required. Working in partnership with a number of organisations to address the potential for new development to impact on the Solent and Southampton Water SPA in relation to recreational disturbance. The Bird Aware Solent Revised Strategy sets out the approach to providing mitigation in relation to this matter. It was approved by the council's Cabinet on 20 November 2024.
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Strategic Planning Matter 4: Nutrient neutrality - the cumulative impacts of additional nutrient input from new development on the Solent, River Avon and River Itchen

Table 4

Considerations at Regulation 18 Stage 1	Considerations at Regulation 18 Stage 2	Considerations at Revised Regulation 18	Engagement activities with prescribed bodies	Outcomes
Impact of new development resulting in elevated levels of nutrients in the Rivers Test, Itchen and Hampshire Avon, which flow into the Solent leading to poor water quality and harm to aquatic life. Ensuring adequate supply of deliverable and viable planning permissions to meet housing need without adverse impact on the quality of the water environment. Sufficient and adequate mechanisms to mitigate the impact of nutrient deposition from wastewater.	Draft policies in Local Plan 2040, specifically BIO2: International Nature Conservation Designations which requires that nutrient neutrality is achieved within the River Avon SAC, Itchen SAC and the Solent.	The Habitat Regulations Assessment supporting the draft Local Plan considers that subject to inclusion of its recommendations, the Test Valley Local Plan would contain a sufficient policy framework to protect all Habitat sites from adverse effects on integrity, either alone or in combination with other plans and projects. The HRA will be updated prior to the final draft Local Plan (Regulation 19 stage). The HRA includes nutrient calculations for each proposed site. See also Strategic Matter 5	Continual engagement with the Partnership for South Hampshire (PfSH) as part of the PfSH Spatial Position Statement (SPS). The Council is working with partners on a catchment basis to help ensure mitigation options are available to support the development needs of our communities. This includes the Partnership for South Hampshire (PfSH). Regular liaison with Natural England and the Environment Agency, particularly in relation to site assessment and scoping potential impacts.	PfSH led to establishment of a Water Quality Working Group (WQWG) which has resulted in working collaboratively on an ongoing basis to identify solutions and share best practice such as the development of the 'nitrate calculator', Water Cycle Study will be updated to inform Local Plan 2042. Invested in nitrate credit scheme to enable developers to purchase 'credits' to off-set the impact of their development. Viability testing cost of a range of nutrient pollution measures has been undertaken and will be

		updated to inform Regulation 19.
		Site selection process and policy drafting informed by engagement with EA and NE. Allocation policies identify where appropriate mitigation required.

Strategic Planning Matter 5: River Itchen SAC - the approach to considering potential impacts on the River Itchen SAC compensation measures, which includes parts of the River Test and some of its tributaries

Table 5

Considerations at Regulation 18 Stage 1	Considerations at Regulation 18 stage 2 (2024)	Considerations at Revised Regulation 18 (2025)	Engagement activities with prescribed bodies	Outcomes
N/A	N/A	Since the public consultation on the Regulation 18 Stage 2 document, Natural England notified the Council that parts of the River Test and some of its tributaries are providing compensatory measures for the River Itchen Special Area of Conservation. In line with national policy, the sites providing compensation measures need to be given the same protection as the Special Areas of Conservation. Awaiting further clarity from NE on how we assess and take account of this	Engagement with Natural England on the approach to considering potential impacts of the compensation measures for the River Itchen SAC.	Engagement ongoing and anticipating further advice from Natural England, to be incorporated into the next stage of plan making (Regulation 19).

4 Summary of engagement

- 4.1 Table 6 below sets out, by matter, the engagement that has taken place with prescribed bodies and any outcomes from that engagement. This table highlights the extent of engagement on a number of planning matters which has informed the approach to evidence, site assessment and policy development.
- 4.2 Engagement has been predominantly informal and regular to shape our understanding of the issues and their relationship with the plan process. This has been an important step in developing an approach for addressing planning matters that arise through the Local Plan 2042, where appropriate. Establishing relationships with stakeholders has also enabled officers to raise any issues that have been identified with stakeholders informally and vice versa.
- 4.3 Engagement and liaison will continue to inform Regulation 19, including on such matters as transport modelling and flood risk, which will involve the Highway Authority and Lead Local Flood Authority (LLFA).

Table 6

Table 6	1	
Matter	Engagement with prescribed bodies	Outcomes of ongoing engagement
Climate Change	PfSH, Hampshire County Council, Environment Agency, Natural England, Southern Water, Lead Local Flood Authority (LLFA)	 Informed assessment and infrastructure requirements for proposed sites. Input into the IDP Informed Regulation 18 Stage 2 Local Plan draft policies on climate change mitigation and adaptation and these will be reviewed and included in the Regulation 19 Local Plan PfSH Strategic Flood Risk Assessment (SFRA) Further evidence on flooding and engagement with the LLFA and EA to focus on the Level 2 SFRA, particularly around the Local Plan 2042 site allocations to ensure the prevention of the risk of flooding elsewhere.
Clinical Health	Regular liaison with Hampshire and Isle of Wight Integrated Care Board to understand strategic and local clinical health needs.	 Informed infrastructure requirements for proposed sites. Input into the IDP Regulation 18 Stage 2 Local Plan included a policy on delivering infrastructure and this will be reviewed and included in the Regulation 19 Local Plan
Public Health	Engagement with Hampshire County Council Public Health team to understand how public health	 Informed infrastructure requirements for proposed sites. Input into the IDP Regulation 18 Stage 2 Local Plan included draft policies that reflected public health principles in terms of access to green space,

	objectives can be reflected in plan-making.	design of new development, pollution and sports/recreation facilities. These policies will be reviewed and included in the Regulation 19 Local Plan
Transport	Regular liaison with HCC as Highway Authority to ensure a robust transport modelling approach, site selection process, policies and cross boundary highways issues. Regular liaison with Network Rail and South Western Railway to discuss and assess any impact of planned growth on the rail network. Discussion with National Highways regarding scope of transport modelling	 Informed assessment and infrastructure requirements for proposed sites. Input into the IDP HCC have informed inputs into transport modelling, including reviewing outcomes, the site selection process and informally reviewed draft site allocations. Regulation 28 Stage 2 Draft Local Plan included policies that address sustainable and active travel and impacts on the highway network. These will be reviewed and included in the Regulation 19 Local Plan
Education	Regular liaison with HCC as Education Authority covering Test Valley, in addition to Wiltshire Council to understand future capacity, school places planning which in turn inform site selection process, policies and work to coordinate crossboundary issues.	 Informed assessment and infrastructure requirements for proposed sites. Input into the IDP Informed updated Infrastructure and Developer Contributions SPD 2023. Draft policy in Regulation 18 Stage 2 Local Plan required development to provide appropriate infrastructure. This policy will be reviewed and included in the Regulation 19 Local Plan. Ongoing engagement with both HCC and Wiltshire Education authorities to coordinate education infrastructure requirements including for Ludgershall housing allocations.
Landscape and historic environments	Liaison with Historic England and Natural England to inform the scope of evidence and site selection and assessment process.	 Informed assessment and infrastructure requirements for proposed sites. Input into the IDP Informed approach to site allocation policies The Regulation 19 Local Plan will include policies to protect and enhance strategically important landscapes, historical assets and archaeological sites.

Gypsies and Travellers	Liaison with neighbouring authorities regarding needs for Gypsy, Traveller and Travelling	•	Winchester City Council previously requested help with meeting unmet needs. Through ongoing engagement with Winchester City Council and the outcome of TVBC evidence undertaken to assess the needs of Gypsies and Travellers, the
	Showpersons		Borough Council is unable to meet the
	accommodation		needs of other authorities in relation to
			Gypsies and Travellers at present.

5 Conclusions and next steps

- 5.1 The Borough Council remains committed to continuing engagement with prescribed bodies and other relevant organisations as part of the cooperation on key strategic planning matters to meet the requirements for maintaining effective cooperation.
- 5.2 There are a number of strategic planning matters that will be taken forward in preparation of the Local Plan 2042 up to Regulation 19, in addition to other matters as identified in Table 6.
- 5.3 The Borough Council has engaged with all of the legally prescribed bodies above, with the exception of the Mayor of London and Transport for London. Engagement has varied from ongoing regular liaison through to providing notification or keeping them informed, depending on the nature and scale of the matter.
- 5.4 The scope of the strategic cross-boundary planning matters, how engagement has occurred, with whom, and the outcomes of this engagement in terms of Local Plan 2042 preparation, demonstrates that we have engagement consistently and co-operatively on all relevant matters.

