

Duty to Cooperate

Memorandum of Understanding

Parties to the Agreement

The Agreement involves the following local planning authorities:

- Lewes District Council
- South Downs National Park Authority
- Mid Sussex District Council

Introduction

Local Planning Authorities are required by the Localism Act 2011 to meet the 'Duty to Cooperate', that is to engage constructively and actively on an ongoing basis on planning matters that impact on more than one local planning area. Section 33A(6) of the 2004 Act also requires local planning authorities and other public bodies to consider entering into agreements on joint approaches. Local planning authorities are also required to consider whether to prepare local planning policies jointly under powers provided by section 28 of the 2004 Act.

The Duty to Cooperate is amplified in the National Planning Policy Framework (NPPF) which sets out the key strategic priorities that should be addressed jointly (paragraph 156). Paragraphs 178-181 of the NPPF details how it is expected that the Duty to Cooperate will function, and in particular states that:

“Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.”

The National Planning Practice Guidance (NPPG) offers further advice on the implementation of the Duty to Cooperate. This includes the advice that one way to demonstrate effective cooperation, particularly if Local Plans are not being brought forward at the same time, is the use of formal agreements between local planning authorities, signed by elected members, demonstrating their long term commitment to a jointly agreed strategy on cross-boundary matters. The NPPG states that:

“Such agreements should be as specific as possible, for example about the quantity, location and timing of unmet housing need that one authority is prepared to accept from another authority to help it deliver its planning strategy. This will be important to demonstrate the commitment between local planning authorities to produce effective strategic planning policies, and it will be helpful for Inspectors to see such agreements at the examination as part of the evidence to demonstrate compliance with the duty.”

Objectives

This Memorandum of Understanding relates to the preparation of local development plans in Lewes district and the areas of Mid Sussex district outside the national park boundary¹. Its overall aim is to ensure appropriate co-ordination and planning for the cross-boundary strategic planning issues that exist and/or are likely to arise in the foreseeable future between the two district councils and the South Downs National Park Authority, which is jointly producing a Core Strategy for Lewes District².

Current Position

The current position is as follows:

Mid Sussex District Council is preparing a revised version of its District Plan for the period 2014 – 2031. It is anticipated that there will be public consultation on this draft Plan from November 2014 until January 2015, that it will be published in May 2015 and submitted to the Secretary of State in July 2015.

Mid Sussex District Council is also preparing a Traveller Sites Document for the period to 2031. There is a public consultation on this draft Plan in August/September 2014 and it is anticipated that it will be published in December/January and submitted to the Secretary of State in March 2015.

Lewes District Council and the South Downs National Park Authority are working in partnership to prepare a Joint Core Strategy for Lewes District. This will form Part 1 of the Local Plan for the district. Focussed Amendments to the Proposed Submission document were published in May for a 10 week representation period. Submission to the Secretary of State for examination is imminent.

Concurrently, Lewes District Council is preparing a Site Allocations and Development Management Policies DPD, which will form Part 2 of the Local Plan. Part 2 will only apply to the areas of the district for which Lewes District Council is the local planning authority. The proposed submission version of this DPD is due to be published for representations in spring 2015.

Site allocations and development management policies for the remainder of Lewes district, within the national park, will be determined in the emerging National Park Local Plan. A preferred options consultation is expected in May 2015, followed by proposed submission publication in March 2016 and estimated adoption in June 2017.

In addition a number of Neighbourhood Plans are being progressed across both districts.

¹ Mid Sussex and South Downs National Park Authority will seek to enter into a separate Memorandum of Understanding relating to those areas of the national park, other than within Lewes district, with which there are shared strategic planning issues with Mid Sussex.

² 56% of Lewes district falls within the national park boundary for which South Downs National Park Authority is the local planning authority.

Strategic Planning Issues

The following have been identified as current cross-boundary strategic planning issues relevant to Mid Sussex and Lewes districts:

- Housing provision
- Cross-boundary infrastructure, particularly relating to transport³
- Gypsies and Travellers (both permanent pitches and transit sites)
- Ashdown Forest Special Protection Area and Special Area of Conservation
- Impacts of housing development at neighbouring settlements
- Burgess Hill strategic allocation
- Impact on the South Downs National Park

Liaison and working arrangements

Lewes District Council, South Downs National Park Authority and Mid Sussex District Council have been working together through the following mechanisms:

- developing a monitoring framework and mitigation options for the Ashdown Forest through joint work also involving Natural England, Wealden District Council and the Conservators of Ashdown Forest.
- formal consultation as the respective local plans have progressed.
- meetings were held between the two councils to discuss their emerging plans (particularly planning for housing and the respective Strategic Housing Land Availability Assessments, including assessments of sites near the administrative boundary). Such meetings have been held on a regular basis since 2010. Between June and August 2014, three meetings were held between officers and the respective Cabinet Members to continue these discussions and agree this Memorandum of Understanding.

Outcomes

Mid Sussex

The Objectively Assessed Housing Need for Mid Sussex is assessed as 516 homes per annum (2014-2031). Before Mid Sussex District Council sets its proposed housing provision number, it will be undertaking an assessment of neighbouring authorities' unmet housing needs and, as part of this process, Lewes District Council has provided details of its housing needs shortfall. Mid Sussex District Council will then use consultants to carry out a sustainability appraisal to assess the impacts of meeting those needs in Mid Sussex and the impacts on adjacent areas of those needs not being met. The results will be shared with the neighbouring authorities⁴. Once this information is prepared the two councils will consider the need for a revision or addendum to this memorandum of understanding.

³ Whereby strategic infrastructure solutions should be acceptable to the relevant responsible authority, such as both East and West Sussex County Councils as local highway authorities for relevant cross-boundary transport infrastructure.

⁴ Draft results are expected late September 2014.

The need for permanent Gypsy and Traveller accommodation in Mid Sussex is assessed to be 34 pitches (2011-2031). No need exists for Travelling Show People accommodation. The quantum of sites proposed in the Traveller Sites Document is considered sufficient to meet this need without there being any dependency on other authorities.

Lewes

The Objectively Assessed housing Need for Lewes District has been agreed by Lewes District Council and South Downs National Park Authority to be in the range of 460 to 520 homes per annum (2011-2031).

The quantum of housing proposed in the Joint Core Strategy is a minimum of 280 homes per annum. Since the publication of the Proposed Submission Joint Core Strategy in January 2013 Lewes District Council and South Downs National Park Authority have undertaken a programme of additional work seeking to reduce the gap between the proposed housing target and the objectively assessed level of need as far as is sustainable and deliverable. This resulted in some Focussed Amendments, including the raising of the housing target from 225 per annum to 280 per annum.

The need for permanent Gypsy and Traveller accommodation in Lewes district is assessed to be a residual requirement of 11 pitches to 2019. However, an updated Gypsy and Traveller Accommodation Assessment is being carried out across East Sussex and Brighton and Hove, the results of which are anticipated in September 2014. No Gypsy and Traveller sites have been proposed for allocation in the Joint Core Strategy. However, Lewes District Council and South Downs National Park Authority propose to subsequently allocate specific deliverable sites in their respective Site Allocations/Local Plans. These allocations will seek to meet the needs identified in the updated Gypsy and Traveller Accommodation Assessment for the fifteen years from 2014. This need will be disaggregated between the areas within and outside the national park. At present, no need has been identified in the district for Travelling Show People’s accommodation.

Ongoing Cooperation

It is agreed that the three authorities will continue to actively and diligently cooperate on all cross-boundary planning matters with a view to achieving the proper planning of the wider area.

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| <p>Signed:</p>  <p>Tom Jones Cabinet Member for Planning Lewes District Council</p> <p>Dated: 21 August 2014</p> | <p>Signed:</p>  <p>Norman Webster Cabinet Member for Planning Mid Sussex District Council</p> <p>Dated: 21 August 2014</p> | <p>Signed:</p>  <p>Margaret Paren Chair South Downs National Park Authority</p> <p>Dated: 25 September 2014</p> |
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