



**Lewes District Council
South Downs National Park Authority**

**Lewes District Local Plan: Part 1
Joint Core Strategy**

**Update on the Duty to Cooperate Compliance
Statement (ref:**

Proposed Modifications Background Paper

October 2015

LDC/084

1. Background

- 1.1 In September 2014, Lewes District Council and the South Downs National Park Authority submitted the Joint Core Strategy to the Secretary of State. As part of the submitted documentation the authorities had prepared a Duty to Cooperate Compliance Statement (dated September 2014) (ref: CD/003).
- 1.2 The Joint Core Strategy was subject to two weeks of hearing session in January 2015 as part of the Examination in Public. Subsequent to the hearing sessions the Inspector invited the authorities to prepare, consult upon and submit modifications to the plan in order to address certain issues. The authorities consulted upon a set of modifications between August and October 2015 and is expected that further hearing sessions will be conducted in mid December 2015.
- 1.3 In light of the modifications that have been prepared on the Joint Core Strategy and the time that has passed since the Duty to Cooperate Compliance Statement was prepared and published, the authorities have prepared this paper in order to update on the Duty to Cooperate activities and actions that have occurred since September 2014. This paper should be considered alongside the aforementioned Compliance Statement as well as the Response to Inspector's Questions and Participants' Written Statements for Issue 1/2 (v) – Duty to Co-operate/ Legal Compliance/ Strategy/ Vision/ Objectives (January 2015) (ref: LDC/020).

2. Cooperation undertaken since September 2014 and outcomes achieved

Work with the Coastal West Sussex & Greater Brighton Strategic Planning Board

- 2.1 As detailed within the Duty to Cooperate Compliance Statement, Lewes District Council and the South Downs National Park Authority (the authorities) have undertaken significant cooperation through the activities of the Coastal West Sussex & Greater Brighton Strategic Planning Board. This included the production of the Duty to Cooperate Housing Study and a Local Strategic Statement (ref: CD/047) that set objectives and priorities for the area.
- 2.2 Subsequent to the production of the Local Strategic Statement, Mid Sussex District Council and Horsham District Council have become members of the Coastal West Sussex & Greater Brighton Strategic Planning Board. This is a reflection of a need to constructively consider common strategic planning issues, which particularly the southern parts of Mid Sussex and Horsham share with the coastal authorities to the south.

- 2.3 To reflect the expansion of the Strategic Planning Board, a refresh of the original Local Strategic Statement has been commenced. This refresh has also been triggered by the fact that the original LSS stated that a full review of the Statement should be undertaken every two years.
- 2.4 As part of the refresh, background papers on the issues of housing, the economy and infrastructure have been prepared. These papers were jointly commissioned by the Strategic Planning Board and the Greater Brighton Economic Board. The papers have enabled an analysis of the aforementioned three strategic issues to be undertaken. Building upon this analysis has enabled opportunities and actions to be identified that aim to deliver growth within the region. The papers can be collectively viewed through the papers that were presented to the Economic Board on the 14 July 2015¹.
- 2.5 A draft of the refreshed LSS was presented to the Strategic Planning Board on the 12th October and it is due to be finalised and approved at the Board meeting on the 18 January 2016.
- 2.6 The current version of the LSS has a commitment to developing a robust strategy for addressing the longer term housing needs of the sub region (paragraphs 3.15 and 3.16). In turn, this commitment has been reflected within the wording of the second paragraph of Spatial Policy 1. The refreshed version of the LSS will provide a firmer commitment to the development of this strategy with a clear commitment to undertake this through a full review of the LSS, which will commence in 2016. In particular, this review will consider long term options for strategic development across the full LSS area.

Other cooperation undertaken with neighbouring and nearby authorities

- 2.7 Away from the cooperation undertaken through the Coastal West Sussex and Greater Brighton Strategic Planning Board, the District Council and National Park Authority have continued to engage constructively with other authorities, particularly those to the east of the district.
- 2.8 Since September 2014, further meetings have been held with Wealden District Council to discuss cross boundary strategic issues. These meetings have been in addition to the cooperation that has taken place relating to the Habitats Regulation requirements for the Ashdown Forest (see paragraphs 2.13 and 2.14, below) and have tended to focus on the issues of meeting housing and employment land needs.
- 2.9 Wealden District Council are in the early stages of preparing a new Local Plan and recently published the Issues, Options and

¹ [http://present.brighton-hove.gov.uk/Published/C00000855/M00005735/\\$\\$Supp18917dDocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000855/M00005735/$$Supp18917dDocPackPublic.pdf)

Recommendations consultation document². Within Lewes District there is considered to be a degree of overlap between the Sussex Coast HMA and the Wealden HMA. The Wealden consultation document acknowledges the unmet housing need from Lewes District and other neighbouring authorities. In turn, Wealden District Council are considering if it is possible to accommodate some of this unmet housing need and such options are presented in the current consultation document. Lewes District Council will continue to actively engage with Wealden on the issue of planning for unmet housing need, as well as any other strategic issues that arise during the preparation of their plan and implementation of the Lewes District Local Plan.

- 2.10 The Duty to Cooperate Compliance Statement, as well as the Response to Inspector's Questions and Participants' Written Statements for Issue 1/2 (v) – Duty to Co-operate/ Legal Compliance/ Strategy/ Vision/ Objectives (January 2015), referred to cooperation and engagement undertaken with Mid Sussex District Council particularly concerning the production of their District Plan and the Lewes District Joint Core Strategy. This has continued during the past year, with Mid Sussex DC being kept informed on our latest position concerning the issue of unmet housing need, and Lewes District Council responding to the consultation on the Pre-Submission version of the Mid Sussex District Plan. This response is appended to this paper and clearly demonstrates Lewes District Council seeking further assurances concerning ongoing cooperation on the issue of meeting housing needs.

Gypsy and Traveller Accommodation

- 2.11 The Duty to Cooperate Compliance Statement (paragraphs 4.14 and 4.15) referred to the Gypsy and Traveller Accommodation Assessment (GTAA) that was being undertaken in partnership with East Sussex authorities and Brighton and Hove City Council. This work has now been completed (ref: LDC/014) and agreed by the relevant authorities. In turn, the outcomes of the Assessment have been reflected in the modifications made to Core Policy 3.

Transport

- 2.12 With a number of modifications being proposed to the Joint Core Strategy, which includes additional strategic housing allocations and an increased housing delivery target, the District Council and National Park Authority have continued to work alongside the highways authority (East Sussex County Council) to ensure the impact of development is tested and that required improvements to highway and sustainable transport infrastructure are planned for. The proposed

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policy wording for the strategic allocations reflects the discussions that have been held.

Habitats Regulation Assessment

- 2.13 Since September 2014, the District Council has continued to work alongside the councils at Wealden, Mid Sussex and Tunbridge Wells, as well as Natural England and the Conservators of the Ashdown Forest to address the Habitats Regulation requirements in respect to the Ashdown Forest. This has included developing a collective Strategic Access, Management and Monitoring Strategy (SAMMS), which enables developers of residential schemes within a 7km radius of the Ashdown Forest to make a financial contribution towards implementing this Strategy. This forms part of the mitigation required to offset the increase in recreational disturbance that will occur on the Ashdown Forest as a result of additional residential development.
- 2.14 As well as developing the SAMMS, the District Council has continued to work alongside Natural England and Wealden District Council to identify and deliver a Suitable Alternative Natural Greenspace (SANG), which is also required for mitigating against additional residential development within the 7km radius of the Ashdown Forest. Site options for SANGS have been assessed by the District Council alongside Natural England. In addition, the District Council has held discussions with Wealden District Council regarding the potential for a joint-authority SANG that is used to mitigate against development in both authority areas. Although a suitable SANG has yet to be identified and secured for such a use, the Council is confident that this position will be rectified in the early part of the plan period. Continued cooperation with Natural England and the other relevant authorities will be key to achieving this.

Engagement and cooperation with the Local Enterprise Partnerships

- 2.15 The District Council has continued to engage with the Coast to Capital LEP since the original Duty to Cooperate Compliance Statement was prepared. The main focus has been progressing and implementing the relevant projects from the LEP's Growth Deal with central Government. Particular projects in Lewes District, including the Newhaven Port Access Road and the Newhaven Flood Defence scheme, complement and support a number of policy areas from the Joint Core Strategy.
- 2.16 As well as the engagement and cooperation detailed in this paper, the authorities have provided the opportunity for the other prescribed bodies (as set out in Section 110 of the Localism Act) to input into the most recent stages of preparing the Joint Core Strategy. All such bodies were consulted upon the modifications that were published in July 2015 and invited to make comments.

Appendix 1 – Response to the Mid Sussex District Plan



Lewes District Council

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Claire Tester
Lewes District Council

By e-mail only

10th July 2015

Dear Claire,

Re: Mid Sussex District Plan Pre-Submission Consultation

Thank you for consulting Lewes District Council on the Mid Sussex District Pre-Submission. The following response has been prepared in consultation with and agreed by our Cabinet Member for Planning – Councillor Tom Jones.

Lewes District Council and Mid Sussex District Council have maintained an ongoing dialogue during the production of our respective plans and in turn Memorandums of Understanding, concerning the Duty to Cooperate, have been agreed and are in the process of being signed by both authorities. Having reviewed the Mid Sussex District Plan, there is only one particular issue that we wish to raise, and in turn suggest a modification to the plan. We are of the view that such a modification will aid in continuing to tackle the issue of unmet housing needs within certain authorities that lie adjacent to Mid Sussex.

Paragraph 3.14 of the District Plan identifies that there is a significant unmet housing requirement from authorities that border Mid Sussex and therefore in formulation of the District Plan consideration has been given to meeting some of this need within the Mid Sussex area.

Based on the findings of the Mid Sussex SHLAA and the Sustainability Assessment of Cross-Boundary Options for the Mid Sussex District Plan it has been concluded that the Mid Sussex District Plan is unable to plan for any of the unmet housing needs from neighbouring authorities. Lewes District Council does not wish to contest this position, or the findings from the relevant evidence base and therefore accepts the proposed housing delivery target for the district.

Nevertheless, Lewes District Council are keen to ensure that there is a strong commitment from Mid Sussex District Council to take an active role in continuing to explore the issue of unmet housing needs in the housing market areas that are common to their own plan area.

Paragraph 3.38 of the District Plan does provide some assurance that this should happen, but we would contend that a commitment to work in a positive and proactive manner on this issue, and review the District Plan (if deemed necessary), should be more clearly stated within the plan. The Lewes District Joint Core Strategy, which is currently at examination, does have such a commitment within Spatial Policy 1³ and we are of the view that a similar commitment should be expressed in the Mid Sussex District Plan. Potentially this could be through an amendment/additional wording to paragraph 3.38. We would be happy to agree such wording with yourselves before you present this to the Inspector as a modification to your plan.

We believe such an amendment to be necessary as there could be less of an incentive for Mid Sussex District Council to commit to such work, and a potential review of their plan, given that the District Plan is already planning to meet the districts own housing need. This is not to say that any longer term strategic solution(s) to addressing housing need in the region is going to be within Mid Sussex, but should scope and potential options exist it will be necessary for Mid Sussex District Council to consider this in partnership with those authorities who can't meet their objectively assessed need for housing, possibly through existing joint authority arrangements (i.e. Coastal West Sussex & Greater Brighton Strategic Planning Board), and, if necessary, plan for this in a review of the District Plan.

We do not consider that requesting such a commitment within the District Plan undermines the plan and impacts upon its soundness. Rather it will ensure that there is an appropriate long-term commitment to working collaboratively in addressing one of the most challenging issues for local planning authorities in this area.

Yours sincerely



Edward Sheath
Head of Strategic Policy

³ Spatial Policy 1 states, "A review of Spatial Policies 1 and 2 will be undertaken by the District Council and National Park Authority on completion of cross-authority working to consider longer-term options for strategic development both within the Sussex Coast Housing Market Area and in adjoining areas if any of these options are demonstrated to be deliverable within Lewes District."