

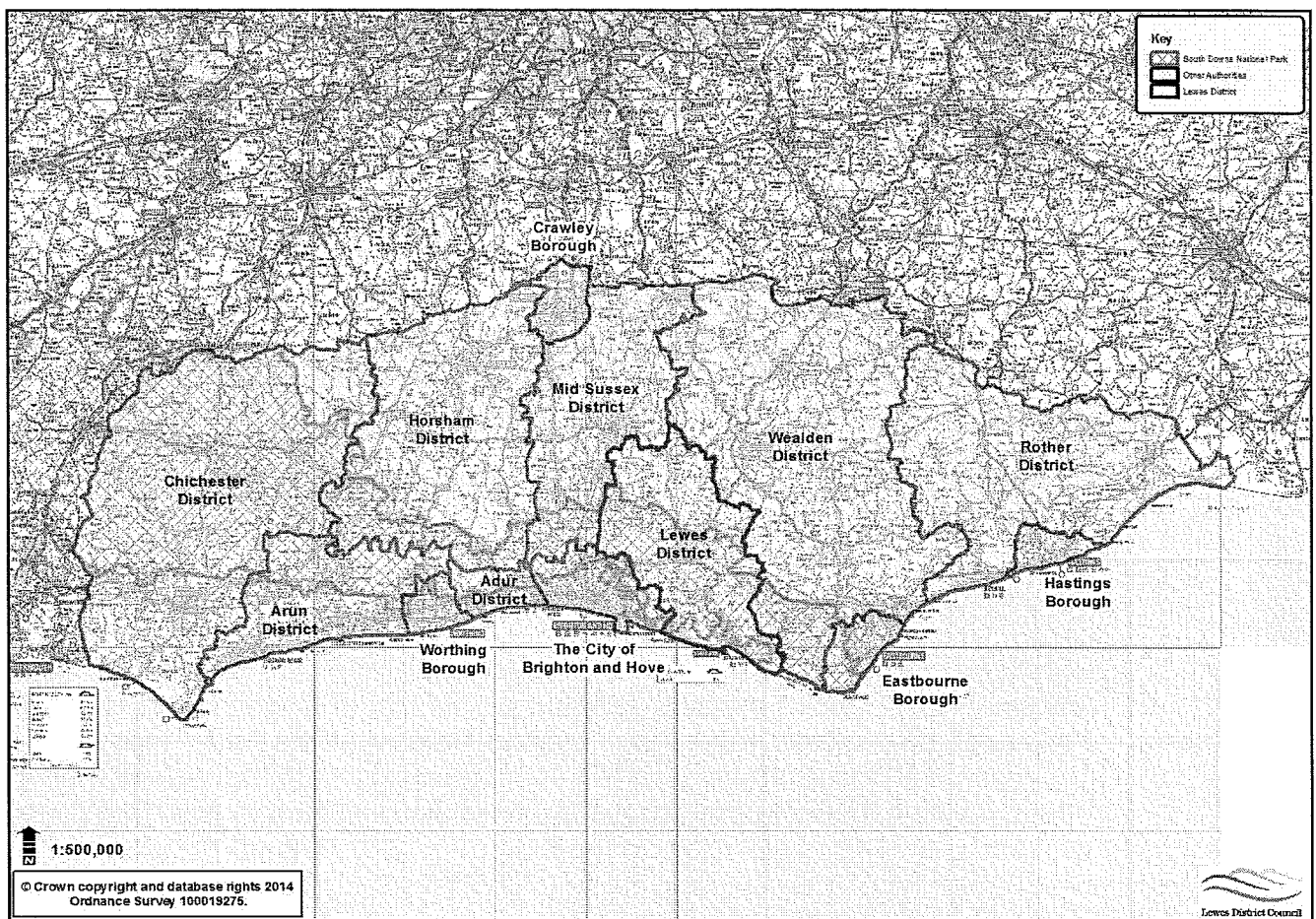
## **Duty to cooperate: Statement of common ground**

### **Cross-boundary working and meeting housing needs**

This agreement is between:

- Lewes District Council
- South Downs National Park Authority
- Adur District Council
- Arun District Council
- Brighton and Hove City Council
- Chichester District Council
- Crawley Borough Council
- Eastbourne Borough Council
- Hastings Borough Council
- Horsham District Council
- Mid Sussex District Council
- Rother District Council
- Wealden District Council
- Worthing Borough Council

***Map 1: Lewes district in context***



## **1. Background**

- 1.1 Section 110 of the Localism Act 2011 places a legal duty on local planning authorities and other prescribed bodies to cooperate with each other on strategic planning matters insofar as they are relevant to their administrative areas throughout the preparation of their development plan documents. The National Planning Policy Framework (NPPF) 2012 reiterates this duty and requires an independent inspector to assess whether the development plan they are examining has been prepared in accordance with the duty to cooperate.
- 1.2 It is expected that engagement and cooperation will be constructive, active and ongoing in order to maximise effectiveness throughout plan preparation as well as implementation, delivery and subsequent review. The national Planning Practice Guidance confirms that this is not a duty to agree but that local planning authorities should make every effort to secure the necessary cooperation on cross-boundary strategic matters before submitting development plan documents for examination. The examination will test whether the duty has been complied with.

## **2. Purpose**

- 2.1 This statement of common ground sets out how Lewes District Council and South Downs National Park Authority have actively and positively sought to comply with the duty to cooperate in the preparation of the Joint Core Strategy development plan document on strategic planning matters, with the main cross-boundary factor affecting Lewes district being housing provision.
- 2.2 A summary of the processes and meetings undertaken with all relevant organisations in undertaking the duty is set out in the associated submission document Joint Core Strategy: Duty to Cooperate Compliance Statement (August 2014). Other relevant information on seeking to meet housing need in Lewes district is explained in the Joint Core Strategy Background Paper: Justification for the Housing Strategy (May 2014).
- 2.3 This statement also describes the established mechanisms for ongoing cooperation on strategic matters.

## **3. Housing Market Area (HMA)**

- 3.1 Lewes district was identified in the South East Plan<sup>1</sup> as forming part of the Sussex Coast HMA<sup>2</sup>, which is focused on the city of Brighton and Hove and extends from Bognor Regis in the west to Seaford in the east. This is not to suggest that Bognor Regis is in the same housing market as Lewes, but that the housing markets in this coastal strip overlap to such a degree that distinct

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<sup>1</sup> South East Plan (2009) now revoked and archived

<sup>2</sup> South East Plan (2009), now revoked and archived, diagram H1

boundaries cannot be defined. The extent of this HMA was reconfirmed in the Strategic Housing Market Assessment<sup>3</sup> undertaken for the coastal West Sussex authorities in November 2012.

- 3.2 Research by the Department for Communities and Local Government showed that HMAs operate as an overlapping system of tiers and that it is not possible to precisely define the boundary of a specific housing market area due to the variety of methodologies that can be used<sup>4</sup>. Therefore a number of different permutations can potentially exist as Lewes district's HMA.
- 3.3 Within the broad Sussex Coast area a distinct local HMA exists. This is focused on Brighton and Hove and exerts influence across most of Lewes district. Small parts of the district also have some overlap with the Eastbourne, High Weald and Crawley/Gatwick housing market areas, although for the vast majority of the district it is the Sussex Coast HMA that is of relevance<sup>5</sup>.
- 3.4 Two broader strategic HMAs<sup>6</sup> have also been identified, again focused on Brighton and Hove.
  1. The administrative areas of Brighton and Hove, Lewes, Adur, Worthing, Horsham, Mid Sussex, Crawley, Wealden and Eastbourne.
  2. A broader Coastal Sussex HMA centred on Brighton and Hove stretching from Seaford along the coast to West Wittering and inland into the South Downs National Park to settlements such as Lewes and Midhurst, covering the administrative areas of Lewes, Brighton and Hove, Adur, Worthing, Arun and Chichester.
- 3.5 The District Council and National Park Authority have sought to work with all authorities forming part of the main Sussex Coast HMA, as well as those authorities in HMA's where there is a degree of overlap.

#### **4. Meeting objectively assessed housing needs**

- 4.1 Despite extensive work, the Council and SDNPA consider that, due to extensive and well documented environmental and infrastructure constraints, objectively assessed housing needs in Lewes district cannot be met within the sustainable development requirements of the National Planning Policy Framework. This position will be tested at the examination of the Joint Core Strategy.
- 4.2 In seeking to locate the unmet need elsewhere the local level HMA, whereby most of Lewes district relates intimately with Brighton and Hove, was considered first. This was followed by the wider Coastal Sussex HMA, starting with the most directly related authority areas. Unfortunately the other authorities face similar constraints to Lewes district, leaving them unable to

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<sup>3</sup> <http://www.arun.gov.uk/main.cfm?type=HOUSING#SHMA> 2012

<sup>4</sup> Geography of Housing Market Areas Final Report, DCLG (2010)

<sup>5</sup> Housing Market Assessment of Lewes, DTZ (2008)

<sup>6</sup> Coastal West Sussex Strategic Housing Market Assessment Update, GL Hearn (2012)

meet their objectively assessed housing needs. It is very likely, as documented in the Sussex Coast HMA Duty to Cooperate Housing Study, that the Sussex Coast authorities will be unable to meet the combined housing need of the Sussex Coast HMA.

- 4.3 A 'no stone unturned' programme of additional work, seeking to reduce the gap between the district's identified housing capacity and its housing needs for the plan period, was agreed by the council's Cabinet. This work led to some focussed amendments to the proposed submission version of the Joint Core Strategy, including an increase in the proposed housing target from 4,500 to 5,600. Relevant information on seeking to meet housing need in Lewes district is explained in the paper, Justification for the Housing Strategy<sup>7</sup>.
- 4.4 As, to date, neighbouring authorities and those authorities making up the Sussex Coast HMA have been unable to identify any potential to help meet Lewes district's housing needs, broader strategic housing areas and routes to more innovative solutions for meeting the collective strategic housing need have been explored and implemented.

## **5. Compliance with the duty to cooperate**

- 5.1 In the absence of government guidance (at the time) but taking account of evidence arising from Inspectors reports into Local Plans, together with the need to continue to progress the Joint Core Strategy, the council and SDNPA, together with partner authorities in the Sussex Coast HMA, took a pragmatic approach to addressing the Duty to Cooperate. This approach is considered to be consistent with the Planning Practice Guidance on the Duty to Cooperate, which was published in March 2014 after the cross-boundary cooperative working was already underway.
- 5.2 A Coastal West Sussex Partnership had previously been set up to strengthen the coastal economy, bringing together businesses and the public sector to work across administrative boundaries and form the foundations for future infrastructure delivery and growth. This existing partnership has been widened to include LDC and SDNPA as partners on the Coastal West Sussex and Greater Brighton Strategic Planning Board. Lead planning members for all the constituent authorities sit on the Board, which has an advisory remit and decisions made need to be ratified by the individual planning authorities.
- 5.3 The Strategic Planning Board is in place to:
- Identify and manage spatial planning issues that impact on more than one local planning areas across the Coastal West Sussex and Greater Brighton area; and
  - Support better integration and alignment of strategic spatial and investment priorities in the Coastal West Sussex and Greater Brighton area.

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<sup>7</sup> Joint Core Strategy Background Paper: Justification for the Housing Strategy (May 2014).  
[http://www.lewes.gov.uk/Files/plan\\_HBP\\_May\\_2014.pdf](http://www.lewes.gov.uk/Files/plan_HBP_May_2014.pdf)

- 5.4 The Board has signed a memorandum of understanding<sup>8</sup> and agreed terms of reference<sup>9</sup> as a framework for cooperation. It has also a Local Strategic Statement<sup>10</sup> which sets out the long term strategic objectives for the period 2013-2031 and the spatial priorities for delivery in the medium term to support the delivery of regeneration, jobs and homes while protecting the high quality environment. It is proposed that the Local Strategic Statement will be reviewed and refreshed in October 2014.
- 5.5 Collaborative working among planning officers across East Sussex has been long-established through the channels of the Planning Liaison Group (chief planning officers), East Sussex Local Plan Managers Group and the East Sussex Development Management Forum. In addition, the East Sussex Strategic Planning Members Group (ESSPMG) was set up in 2013 to enhance and endorse cooperation at the political level. The group consists of the portfolio holders for planning assisted by officers from all local authorities in East Sussex, including SDNPA.
- 5.6 All ESSPMG member authorities are signatories to a memorandum of understanding, which was drawn up to formalise and give direction to ensure active, constructive and ongoing joint working arrangements. The memorandum of understanding sets out the group's key purposes as raising awareness of cross boundary issues; and to explore any matters of concern to understand how they are affecting development and/or delivery of plans. Although the ESSPMG is primarily for East Sussex authorities, it is recognised that strategic planning issues do not constrain themselves to county boundaries and therefore neighbouring authorities attend meetings of the group if an issue is being explored that is relevant to that authority area.
- 5.7 Additionally the council and SDNPA have instigated or attended many meetings and events specifically or indirectly to address matters relevant to the duty to cooperate. A schedule of key meetings and joint-working, and their key outcomes, with local planning authorities and other organisations subject to the duty to cooperate is set out in Appendix 1 of the Duty to Cooperate Compliance Statement. These have facilitated constructive and active cooperation with the other authorities, in addition to existing mechanisms of cooperation such as consultation responses. These meetings include those held with the purpose of establishing an overall picture of housing need across the sub-region and determining whether any local planning authorities had spare capacity to accommodate unmet needs from areas that were unable to meet their own needs such as Lewes district.
- 5.8 The Duty to Cooperate Compliance Statement has been circulated to all local planning authorities in East and West Sussex and no concerns have been raised.

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<sup>8</sup> <http://www.coastalwestsussex.org.uk/wp-content/uploads/FINAL-CWS-SPB-MoU-Feb-2014-Final-Signed.pdf>

<sup>9</sup> <http://www.coastalwestsussex.org.uk/wp-content/uploads/CWS-Strategic-Planning-Board-TOR-Oct-13-Final-Version.pdf>

<sup>10</sup> <http://www.coastalwestsussex.org.uk/wp-content/uploads/FINAL-LSS-for-CWS-Gtr-Brighton-30-Jan-14.pdf>

- 5.9 The authorities agree that a series of officer and member level meetings and events have taken place, as set out in Appendix 1 of the Duty to Cooperate Compliance Statement, during the production of the Joint Core Strategy, covering matters relevant to the duty to cooperate. To date, no local planning authorities have indicated that they have identified surplus housing capacity that could assist in meeting Lewes district's unmet housing needs.
- 5.10 The authorities agree that cooperation is an ongoing process and dialogue and partnership working will therefore continue in order to address cross-boundary strategic matters, including the issue of meeting development needs. Where a LPA has an unmet objectively assessed housing need, the LPA should demonstrate and justify why and to what degree it cannot meet the need prior to approaching other appropriate authorities with regard to accommodating the unmet need.
- 5.11 The Coastal West Sussex and Greater Brighton authorities are committed to cross-authority working in the pursuit of sub-regional and longer term solutions to meeting the housing needs of the Sussex Coast HMA. In this vein the Council and SDNPA are committed to a review of Spatial Policies 1 and 2 of the Joint Core Strategy if any options for this are demonstrated to be deliverable within Lewes District.

## **6. Housing Requirements for the Coastal West Sussex and Greater Brighton Sub-Region**

- 6.1 The Coastal West Sussex and Greater Brighton Strategic Planning Board was established with the intent of identifying the extent of housing need and looking at options to meet it. To facilitate cross-boundary cooperation in addressing the issue, a joint Housing Study (Duty to Cooperate)<sup>11</sup> has been produced by the local authorities that comprise the Coastal West Sussex and Greater Brighton Strategic Planning Board<sup>12</sup>.
- 6.2 The study pulls together evidence from a range of individual studies produced by each authority to provide a consistent and objective assessment of housing requirements in each authority and across the Sussex Coast HMA addressing the need and demand for market and affordable housing.
- 6.3 The study concludes that the Sussex Coast HMA is highly unlikely to be able to deliver the full level of required housing development in light of the significant environmental, landscape and infrastructure constraints to development which exist. Strategic infrastructure constraints in the Sussex Coast HMA are still those which were identified and tested through the development of the South East Plan – particularly capacity issues along the A27, around the Chichester Bypass, Arundel and Worthing, as well as the A259. Equally there are a number of more local routes which are at or near capacity.

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<sup>11</sup> Housing Study (Duty to Cooperate), GL Hearn (2013)

<sup>12</sup> Arun District Council; Chichester District Council; Worthing Borough Council; Adur District Council; Brighton & Hove City Council, Lewes District Council and the South Downs National Park Authority.

- 6.4 There is agreement between the Coastal West Sussex and Greater Brighton authorities that the evidence shows that, collectively, they are unable to meet the full objectively assessed housing needs. Current evidence implies that it may be feasible to accommodate a maximum of around 75% of the assessed level of need across the sub-region<sup>13</sup>.
- 6.5 The most significant shortfall against objectively assessed needs is expected to arise in the area of the sub-region centred on the City of Brighton and Hove, including Lewes district, Adur and Worthing. This is primarily a function of geography with limited development potential in the areas between the national park and the sea.
- 6.6 This situation persists from that which existed during the preparation of the South East Plan (now revoked), which resulted in the South East Plan's housing requirements for the authorities in the Sussex Coast HMA being set at least 27-30% below demographic projections<sup>14</sup>.
- 6.7 In August 2013 a meeting took place between the Council, SDNPA, the West Sussex district/borough councils and Brighton and Hove City Council. The purpose of the meeting was to discuss a way forward, in accordance with the duty to cooperate, regarding seeking to meet the sub-region's housing needs in the light of the levels of provision likely to be achieved through the recently adopted and emerging Local Plans. It was acknowledged that most LPAs are unable to meet their objectively assessed housing needs in their Local Plans because of recognised capacity constraints. Those authorities that anticipated being able to meet their own housing needs also experience capacity constraints such that they are unlikely to be in a position to accommodate the anticipated shortfalls arising in the other authority areas.
- 6.8 It was agreed that the authorities would continue to work together in order to identify, if possible, longer term strategic solutions to the identified shortfall of housing provision across the sub-region, including necessary strategic infrastructure and appropriate delivery mechanisms. This work would be undertaken on the understanding that each authority would look to meet future housing needs within their own local housing market area(s) first before looking at options beyond their market area(s) if necessary. Subsequently the Coastal West Sussex and Greater Brighton authorities signed a memorandum of understanding and produced its Local Strategic Statement, setting out the commitment and framework through which they will actively cooperate in seeking to address the sub-region's housing needs on an ongoing basis.
- 6.9 Wealden and Mid Sussex are neighbouring districts to Lewes but are not significant constituents of the Sussex Coast HMA. To date neither authority has identified that it may have capacity to help meet some of Lewes district's unmet housing needs. Mid Sussex is currently working on a revised District Plan. Before setting its proposed housing target, Mid Sussex is undertaking

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<sup>13</sup> Housing Study (Duty to Cooperate), GL Hearn (2013)

<sup>14</sup> Housing Study (Duty to Cooperate), GL Hearn (2013)

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. This work will involve a sustainability appraisal, carried out by consultants, to assess the impacts of meeting unmet needs in Mid Sussex and the impacts on adjacent areas of those needs not being met. It is currently too soon for Mid Sussex to indicate whether it will be able to assist in meeting some of Lewes district's unmet need. However collaboration at officer and Lead Member level is ongoing in accordance with the Memorandum of Understanding between the two councils and SDNPA.

- 6.10 Wealden has a Core Strategy (adopted February 2013) with a housing target that does not meet its own objectively assessed need, leaving Wealden unable to meet assist with meeting any of Lewes district's unmet needs at the current time. Wealden's Core Strategy will be subject to review in 2015 which will consider the environmental impact of potential development on sites of international importance and other constraints of the area. Wealden is currently at the early stages of undertaking a new Strategic Housing Market Area Assessment. While it is too early to know whether Wealden will be in a position to assist in meeting any of Lewes district's unmet needs in the future, Lewes District Council and SDNPA are engaging with Wealden in this process and will also continue to work collaboratively through the East Sussex Strategic Planning Members Group.

## **7. East Sussex Strategic Planning Members Group**

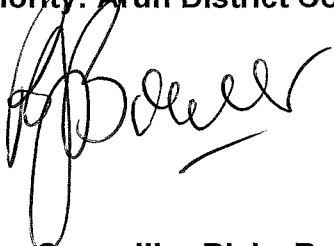
- 7.1 With regard to housing provision ESSMPG has agreed to consider the definition of HMAs affecting East Sussex and to establish a protocol for early liaison and consistency on this work, which is expected to draw on the 2011 Census migration patterns. It is recognised that HMAs are likely to extend beyond the county boundary and the protocol should include engagement with adjoining authorities, especially to the north and west (including the CWSGB Strategic Planning Board). The principle of linked assessments of housing and employment needs in future reviews and a 'robustness review' of housing market indicators in the existing countywide housing monitoring/reporting framework, in line with the National Planning Practice Guidance, have also been agreed.
- 7.2 Through the ESSPMG work is actively underway on establishing a common evidence base and planning policy direction for specific topics that require detailed policies and have commonality across East Sussex. The currently identified topic areas are Development in the High Weald AONB; Older Persons Housing; Equestrian Development; Biodiversity and Green Infrastructure; Tourism; Sustainable Transport; Energy Development; and Community Facilities.
- 7.3 The topic areas are being progressed by working groups comprised of all East Sussex local planning authorities and currently consists of the identification of inconsistencies, gaps or other weaknesses in the evidence base and policy coverage. This will be followed by any necessary additional evidence gathering, identification of common policy elements and ascertaining reasons



for any local variations. As the majority of the issues being explored are detailed in nature, this work is of greater relevance to the Development Management policies each planning authority is preparing.

**Local Authority: Arun District Council**

**Signed:**

A handwritten signature in black ink, appearing to read 'Ricky Bower', written over the 'Signed:' label.

**Print Name: Councillor Ricky Bower.  
Cabinet Member for Planning and Infrastructure**

**Date: 19 November 2014**

**For Lewes District Council.**

**Signed:**

**Print Name:**

**Date:**



## Duty to Cooperate

### Memorandum of Understanding

#### **Parties to the Agreement**

The Agreement involves the following local planning authorities:

- Arun District Council
- 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 Planning and Compulsory Purchase Act 2004 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 detail how it is expected that the Duty to Cooperate will function, and in particular state 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 the two local planning authority areas – Arun District Council and Mid Sussex District Council. Its overall aim is to ensure appropriate planning for the cross-boundary strategic planning issues that exist and/or are likely to arise in the foreseeable future between the two authorities.

## **Current Position**

The current position is as follows:

Mid Sussex 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 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.

Arun is preparing a Local Plan and this has been published for consultation from the 30<sup>th</sup> October for six weeks. Submission to the Secretary of State is expected in early 2015.

Arun will also be preparing a Traveller Sites Document and Area Action Plan for the Littlehampton Economic Growth Area and a Site Specific Allocations Document for Ford and Fontwell. The draft timetable for these is available in Arun's Local Development Scheme

## **Strategic Planning Issues**

The following have been identified as strategic planning issues:

- Housing need
- Gypsies and Traveller accommodation.

These are indirect rather than direct strategic issues because they cross housing market area boundaries rather than the respective district boundaries.

## **Liaison and working arrangements**

Arun District Council and Mid Sussex District Council have been working together through the following mechanisms:

- Liaison between the Coastal West Sussex and Greater Brighton Strategic Planning Board and the Northern West Sussex Districts
- formal consultation as the respective local plans have progressed
- both authorities are partners in the Coast to Capital Local Enterprise Partnership (LEP), and their Leaders are members of the Joint Committee set up to agree and implement the Strategic Economic Plan for the LEP
- Through Arun's Local Plan Advisory Group; a group which advises Arun on the development and drafting of its plans.

The following exclusive meetings were held between the two authorities to discuss their emerging plans and agree this Memorandum of Understanding:

- Duty to Cooperate meeting 19<sup>th</sup> June 2014 (officers)
- Arun and Mid Sussex Planning Portfolio Holders Duty to Cooperate meeting (1<sup>st</sup> September 2014).

## **Outcomes**

### Mid Sussex

The Objectively Assessed Housing Need for Mid Sussex is assessed as 516 homes per annum (2014-2031). Before Mid Sussex sets its proposed housing provision number, it is undertaking an assessment of neighbouring authorities' unmet housing needs. The Council has commissioned 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 authorities<sup>1</sup>.

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 Person accommodation. The quantum of sites proposed in the draft Traveller Sites Document is considered sufficient to meet this need without there being any dependency on other authorities.

### Arun District Council

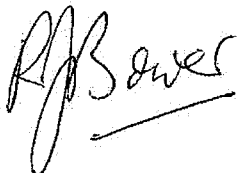
The Objectively Assessed Housing Need for Arun is assessed as 580 homes per annum (2011-2030). Arun has not been requested to accommodate any unmet needs from its directly adjacent authorities but has accommodated the needs Arun's part of the South Downs National Park within the Arun Local Planning Authority area.

The need for Traveller accommodation has been assessed but will need to be reviewed due to our consultants advising of a change methodology.

## **Ongoing Cooperation**

It is agreed that the two 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.

Signed:



Cabinet Member for Planning and Infrastructure  
Arun District Council

Cabinet Member for Planning  
Mid Sussex District Council

Dated: 13 November 2014

Dated:

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<sup>1</sup> Draft results are expected late September 2014.

