



THAKEHAM

Mid Sussex District Council District Plan 2021 – 2039 Examination

Matter 2 Hearing Statement – Duty to Cooperate

September 2024

Regulation 19 Response IDs:

- 1189800
- 1191281
- 1187538
- 1187734
- 1191000
- 1191190
- 1191219
- 1191735

Matter 2: Duty to Co-operate

Issue 1: Whether the Council has complied with the duty to cooperate in the preparation of the Plan?

Duty to Co-operate

21. Have all Statements of Common Ground been provided consistent with the requirement of the Framework and the associated Planning Practice Guidance?

Yes, to the best of Thakeham's knowledge all Statements of Common Ground been provided consistent with the requirement of the Framework and the associated Planning Practice Guidance. Mid Sussex District Council will be able to answer this in more detail.

22. Has the Council co-operated with the relevant local planning authorities, and appropriate prescribed bodies, in the planning of sustainable development relevant to cross boundary strategic matters? If so, who has the Council engaged with, how, why, and when, with particular reference to the ability to influence plan making and the production of joint evidence and meeting unmet needs?

This is largely for the Council to answer, however, Thakeham would agree that the Council have met their obligations under the Duty to Cooperate. The Council's Duty to Cooperate Statements and Statements of Common Ground clearly demonstrate that there has been cooperation with the relevant local planning authorities, and appropriate prescribed bodies, in the planning of sustainable development relevant to cross boundary strategic matters.

The duty to cooperate is a duty to engage with one another on strategic matters, such as housing needs. The Council appears to have discussed and engaged with adjoining and nearby authorities on the matter of unmet needs.

23. Specifically, in relation to Mid Sussex Council, what are the matters of cross boundary strategic significance which require co-operation, and how have these matters been identified?

This is for the Council to answer.

24. In considering such matters, including the timing, has the Council co-operated with those identified above, constructively, actively, and on an on-going collaborative basis throughout the preparation of the submission plan?

This is for the Council to answer.

25. I am aware of a number of cross boundary groupings which involve Mid Sussex on a sub-regional level as set out in the various Statements of Common Ground. As a consequence of the Council's legal duty to co-operate, how has the effectiveness of plan-making activities relating to the identified strategic matters been maximised to enable deliverable, effective policies? In doing so, has joint working on areas of common interest been undertaken for the mutual benefit of Mid Sussex Council and its neighbouring authorities with tangible outputs?

No comment.

26. Has Mid Sussex Council been diligent in making every effort to meet cross boundary strategic priorities, including addressing potential unmet development needs arising from neighbouring authorities as referenced in Policy DP5 of the Mid Sussex District Plan 2014-2031 and as requested by neighbouring authorities?

MSDC's efforts to engage with neighbouring authorities has been clearly set out in the MSDC's evidence base, including the Duty to Cooperate Statement 2024. However, there remains unmet housing needs arising within the Northern West Sussex Housing Market Area (NWSHMA), particularly the unmet needs of Crawley.

27. Notwithstanding the Housing Needs Statement of Common Ground (SoCG) (DC4), signed by the Northern West Sussex authorities, what is the rationale for the prioritisation of meeting the unmet needs of the Northern West Sussex HMA over those of the unmet needs of other relevant HMAs?

The rationale for prioritising meeting the unmet needs of the NWSHMA over other relevant HMAs, was founded in evidence base which dates back to 2009, and this approach has been supported by three Inspectors who examined the now adopted Plans of Horsham District Council, Crawley Borough Council and Mid Sussex District Council.

The evidence base found strong links between Horsham, Crawley and Mid Sussex and thus concluded that the NWSHMA was the primary area to prioritise meeting housing need.

28. Are there strategic matters which have not been adequately considered on a cross boundary basis? If so, what are they and how is this the case?

No comment.

29. Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework?

Paragraph 24 of the National Planning Policy Framework places an obligation on local planning authorities to co-operate on strategic matters, and it is clear through MSDC's evidence base that it has met this duty. Specifically, paragraph 25 requires strategic policy-making authorities to collaborate to identify strategic matters. This includes engagement with local communities and other relevant bodies. As demonstrated through the statements of common ground documenting the cross-boundary working (NPPF paragraph 27), Thakeham is of the view MSDC has met this obligation.

However, we note that there is residual housing need arising in the NWSHMA, and whilst we recognise that MSDC is not obligated by the Duty to Cooperate to meet these housing needs in isolation, there are further opportunities to contribute towards meeting these needs in appropriate localities.

Therefore, careful examination of the position in relation to the NWSHMA unmet need should take place at the examination and to that end (as things stand) Thakeham has concerns as to the outcome of the exercise. However, should it be concluded that the Council must re-consider its ability to meet some of these unmet needs, the remedy is a simple one – that the Council’s evidence base could be reviewed and additional sites identified.