



Mid Sussex District Plan 2021 -2039 Examination

Matter 2 Duty to Co-operate Hearing Statement

September 2024



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MATTER 2: DUTY TO CO-OPERATE

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

Duty to Co-operate

Q21. Have all Statements of Common Ground been provided consistent with the requirement of the Framework and the associated Planning Practice Guidance?

1.1.1 Gladman notes that Statements of Common Ground have been provided and these are broadly in line with requirements. It is noted, however, that detail is limited as to how discussions have been taken into account in preparation of the emerging local plan, in particular regarding unmet housing need across neighbouring areas within the sub-region.

1.1.2 Gladman further notes that the Statements of Common Ground have been provided later in the plan making process, having not been available at Regulation 19 stage, and therefore it is even more important that they are detailed in demonstrating how discussions have influenced the content of the emerging plan.

Q22. 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?

1.1.3 This is for the Council to address. However, Gladman considers that there is limited evidence to suggest that the Council has fully considered meeting unmet needs in adjoining local authority areas within the sub-region. This is a particularly pertinent issue given that Mid Sussex is one of the lesser constrained authority areas in the sub-region, in terms of physical constraints on development. In failing to address this issue, the Council has not fully demonstrated effective co-operation with neighbouring local authorities in the planning of sustainable development.

Q23. 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?

1.1.4 Gladman considers that this is an issue for the Council to respond to, however, it is clear that unmet housing need is a pertinent issue for neighbouring authorities in the sub-region and this has not been fully considered nor addressed in the emerging Mid Sussex District Plan.

Q24. 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?

1.1.5 Gladman considers it is not clear that the Council has co-operated with neighbouring authorities or prescribed bodies regarding the issue of unmet housing need within the wider sub-region. There is no evidence that this has been considered on an ongoing collaborative basis throughout the preparation of the submission plan. Therefore it is questionable that the Duty-to-Cooperate has been effectively discharged.

Q25. 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?

1.1.6 Gladman considers that this plan has not been effective in considering strategic matters and this has compromised the creation of deliverable and effective policies. There is a clearly unmet housing need in neighbouring authorities which the policies of this plan should be seeking to address, however, there is no evidence that such an approach has been fully tested through the Council's options assessment and SA.

1.1.7 Paragraph 26 of the NPPF states that effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. On this basis, and in light of the comments above, Gladman maintains that the emerging plan cannot be considered to be positively prepared nor justified.

Q26. 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?

1.1.8 No. There is no evidence that every effort has been made to meet unmet development needs of neighbouring authorities. This has not been considered fully, nor tested through the plan's SA. The Council considered 5 spatial options with Options 2 and 3 delivering more homes than the assessed need for Mid Sussex. Option 3 was not considered to be deliverable in terms of its location and so Option 2 was identified as the most appropriate strategy for the emerging plan. Whilst it is recognised that Option 2 does provide a surplus in terms of the number of homes to be delivered there is no evidence of assessment of a higher level of growth within the scope of Option 2.

1.1.9 On this basis the emerging plan cannot be deemed to be sound.

Q27. 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?

1.1.10 This is for the Council to address, however, Gladman considers that it is not clearly identified in the plan how the 'surplus' identified would meet any of the shortfall identified within the wider HMA. This matter has been completely overlooked in terms of the content of the plan.

Q28. 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?

1.1.11 Yes, as set out above, Gladman considers that unmet housing need within the sub-region has not been adequately considered nor informed the submission version local plan. Options for meeting these unmet housing needs have not been fully explored nor the impacts assessed.

Q29. Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework?

1.1.12 No. Gladman considers that whilst the Council has engaged with relevant bodies and the issue of unmet needs has been identified, options for increasing housing supply have not been explored or assessed. Therefore the Duty to Co-operate has not been discharged in a manner consistent with the above paragraphs of the NPPF.