

Mid Sussex District Plan Examination

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?

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?

1. No.
2. The National Planning Policy Framework (NPPF) (September 2023)¹ states at paragraph 26 that *“In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”* It further adds that Statements of Common Ground (SoCGs) should be prepared and maintained in order to demonstrate effective joint-working on cross-boundary matters.
3. The Submission Draft Regulation 19 District Plan refers to the cross boundary working with adjoining Local Authorities, particularly those within the North Wessex Housing Market Area, and that SoCGs would be prepared. However, these were not provided at the time of the Regulation 19 consultation period of the Plan in the early part of 2024, and it is only since the Submission of the Plan and collation of the Examination Library that SoCGs have been available to consider. As such, we have not previously had opportunity to consider these documents.
4. The SoCGs set out the process that has been followed and it is clear that there has been a significant level of cross-boundary working. Furthermore, page 23 of the Submission Regulation 19 District Plan (“the Plan”) outlines the meetings that have been held, including those considering the Site Selection Methodology used. The Assessment of Options – Local Supply: Points of Agreement on page 15 of the North Wessex Housing SoCG states that *“Authorities are given the opportunity to scrutinise and comment on each other’s methodologies and high-level outcomes through ongoing engagement at the earliest opportunity.”*
5. However, despite the extent of the meetings and cross-boundary working that has taken place, what is not set out in the Plan nor the North West Sussex Housing SoCG, is whether, or to what extent, Mid Sussex District Council’s (“the Council’s”) conclusions on supply were positively and proactively scrutinised in a cross-boundary context, or just accepted as the position – it is assumed the latter. As is set out in our previous submissions at both the Regulation 18 and Regulation 19 consultation stages, the methodology for site selection is considered unduly reliant on, in particular, Landscape Character Assessments that are not site specific in determining the capacity of settlements to accommodate growth. Higher order settlements, including Hurstpierpoint, are considered to have greater sustainability merits and growth potential than the outputs of the Council’s site selection process would suggest. Potential sources of supply across the District in sustainable locations, including Little Park Farm, Hurstpierpoint, have been unnecessarily and inappropriately excluded as a result (it is anticipated that site specific discussions, including omission sites, will be the subject of Stage 2 Examination sessions in due course).
6. Particular focus in the North West Sussex Housing SoCG is given to the On/Cross-Boundary Site Options that have been considered and how there are no further suitable options in that regard, accounting for the fact that Crabbet Park, located immediately adjoining Crawley Borough, already forms one of the Significant Site allocations within the Plan. Having sites close to the boundaries with adjoining authorities is logical for meeting joining authority needs, however, the defined North West Sussex Housing Market Area shown in the Strategic Housing Mark Area

¹ For the purposes of this Examination Statement, all references to the NPPF refer to the September 2023 version, due to the Transitional Arrangements set in the current NPPF (December 2023) unless otherwise stated.

Assessment (SHMA) (Document ref: H1) and the Housing Need and Requirement Topic Paper (Document Ref: H5) confirm that all of Mid Sussex District is included within the housing market area covering Crawley Borough and Horsham District also. As such, housing provision within most, if not all, of Mid Sussex, could therefore arguably serve to meet needs of these adjoining authorities in the same market area; housing provision does not specifically have to be in the authority boundary areas.

7. In addition, southern parts of the District, including Hurstpierpoint, also overlap with the Coastal West Sussex Housing Market Area, and the SoCG with Lewes District Council (Document ref: DC9) confirms that a similar approach was taken to that with the Northern West Sussex authorities, in terms of the review of the site selection methodology and outcomes, and the same conclusions were agreed i.e. that Mid Sussex could not provide any more deliverable sites to assist with the unmet needs arising in Lewes District. But again, the level of positive and proactive scrutiny of this methodology and the conclusions reached is unclear and, it is suggested, insufficient to determine that the maximum amount of deliverable housing is being planned for.
8. There is opportunity within Mid Sussex to provide a greater level of housing than currently being planned for, through the provision of additional allocations at the higher order settlements such as Hurstpierpoint. Hurstpierpoint falls within two housing market areas (Northern West Sussex and Coastal West Sussex) and, therefore, locationally, could assist in meeting unmet needs of neighbouring authorities in both these housing market areas.

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