

Mid Sussex District Council

District Plan Review

Matters, Issues and Questions – Stage 1

Matter 2: Duty to Co-operate

September 2024



Issue 1: Whether the Council has complied with the duty to co-operate 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, the Statements of Common Ground (SoCGs) that have been prepared are consistent with the Framework and Planning Practice Guidance.

- 21.1. The Council has prepared SoCGs with individual local authorities to demonstrate that specific matters have been addressed. In addition, two Joint Statements have been agreed; the first with Northern West Sussex Authorities (Crawley, Horsham and Mid Sussex) relating to housing; and the second with Northern West Sussex Authorities and West Sussex County Council, relating to cross boundary strategic matters. The Council has also prepared SoCGs with other bodies such as Natural England and National Highways.
- 21.2. The table below explains in more detail how the requirements of NPPF and Planning Practice Guidance for SoCGs has been met.

Table 10 : Assessment of Statements of Common Ground against NPPF, paragraphs 27 and PPG, Plan Making

<p>NPPF, September 2023</p> <p>27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.</p>	
<p>A Duty to Cooperate Framework [DC2] sets out the Councils’ overarching framework for undertaking its obligations in relation to the Duty. This Framework was put in place for the Adopted District Plan and provides a robust and transparent process for cooperation, which has been applied to the preparation of the Submitted District Plan.</p> <p>The Duty to Cooperate Statement [DC1] provides the detail of all cooperation, outcomes reached, any outstanding/unresolved issues, and details of SoCGs that have been agreed during the preparation of the Submitted District Plan.</p> <p>SoCGs have been agreed with Local Authorities and Statutory Consultees and can be found in the Examination Library at [DC3 - DC18]. These documents demonstrate how the Plan has been informed by effective cooperation with other authorities.</p>	
<p>Planning Practice Guidance, Plan Making, Paragraph 11</p> <p>What is a statement of common ground expected to contain?</p>	
PPG requirement	SoCG Reference/ evidence
<p>a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s)</p>	<p>Section 3 of each of the SoCGs with local authorities sets out a written explanation of the strategic geography that applies to the SoCG alongside a map of the area.</p>
<p>b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.</p>	<p>Section 4 of each of the SoCGs with local authorities sets out the strategic matters for the authorities.</p>

<p>c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);</p>	<p>Each SoCG specifies the parties involved (Section 1), with signatories (Section 2)</p>
<p>d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;</p>	<p>The governance arrangements for each SoCG are set out in Section 5.</p>
<p>e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement</p>	<p>In relation to the Northern West Sussex Authorities (Crawley, Horsham and Mid Sussex) there is a specific SoCG relating to housing matters [DC4].</p> <p>For other SoCGs, where relevant, housing is covered under Strategic Matters in Section 4.</p>
<p>f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area</p>	<p>In relation to the Northern West Sussex Authorities (Crawley, Horsham and Mid Sussex) there is a specific SoCG relating to housing matters [DC4].</p>
<p>g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these</p>	<p>Section 4 of the SoCGs sets out strategic matters agreed/not agreed.</p>
<p>h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area</p>	<p>Individual SoCGs record any additional strategic matters where relevant.</p>

Planning Practice Guidance, Plan Making, Paragraph 12

What information will a statement of common ground be expected to contain about the distribution of identified development needs?

PPG requirement	SoCG Reference/ evidence
<p>a. the capacity within the strategic policy-making authority area(s) covered by the statement to meet their own identified needs;</p>	<p>Mid Sussex is able to meet its identified housing need.</p> <p>Section 6, Northern West Sussex SoCG [DC4] sets out the capacity of each authority, to meet its own identified needs. Page 23 provides a summary of the points of agreement on this matter.</p> <p>In SoCGs with other local authorities, section 4 details the position on meeting identified housing need.</p>
<p>b. the extent of any unmet need within the strategic policy-making authority area(s);</p>	<p>Mid Sussex does not have an unmet housing need.</p> <p>Section 6, Northern West Sussex SoCG [DC4] sets out the position regarding unmet need in the Northern West Sussex Housing Market Area. Page 23 provides a summary of the points of agreement on this matter.</p> <p>In SoCGs with other local authorities, section 4 details the position on meeting identified housing need.</p>
<p>c. agreements (or disagreements) between strategic policy-making authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the statement</p>	<p>Section 3, Northern West Sussex SoCG [DC4] sets out a priority order for the purposes of addressing housing need through local plans. Paragraph 3.2 provides a summary of points of agreement on this matter.</p> <p>Section 6, Northern West Sussex SoCG [DC4] sets out the position regarding unmet need in the Northern West Sussex Housing Market Area. The conclusions on this matter are set out in paragraphs 6.35 – 6.37, which explain</p>

	<p>that the authorities agree that housing need within the Northern West Sussex Housing Market Area will not be met by the emerging Plans.</p> <p>In SoCGs with other local authorities (those outside the Northern West Sussex Housing Market Area), section 4 details the position on meeting identified housing need.</p>
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Planning Practice Guidance, Plan Making, Paragraph 13?

When is it appropriate for plan-making authorities to prepare more than one statement of common ground?

PPG requirement	SoCG Reference/ evidence
<p>Authorities are expected, wherever possible, to detail cooperation in a single statement. They may feel it is appropriate to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working.</p>	<p>The Council has prepared SoCGs with individual local authorities to enable specific matters to be addressed.</p> <p>In addition, two Joint Statements have been agreed; the first with Northern West Sussex Authorities (Crawley, Horsham and Mid Sussex) relating to housing; and the second with Northern West Sussex Authorities and West Sussex County Council, relating to cross boundary strategic matters.</p> <p>The authorities consider this to be the most expedient and transparent way to evidence joint working due to the close social, economic, environmental and infrastructure relationships across the local authority areas. These are matters of strategic importance and require a strategic approach to mitigation.</p>

Planning Practice Guidance, Plan Making, Paragraph 14?

What are the strategic matters on which cooperation is required?

PPG requirement

Paragraphs 20-23 of the National Planning Policy Framework sets out the matters that the strategic policies should make provision for, this is not an exhaustive list and authorities will need to adapt this to meet their specific needs. For local planning authorities this is linked to matters set out in sections 19(1B to 1E) and 33A(4) of the Planning and Compulsory Purchase Act 2004

SoCG Reference/ evidence

The Council has prepared a Duty to Cooperate Statement [DC1] that sets out the key strategic matters/strategic planning issues that have required cooperation between local authorities during plan making.

Section 4 of the SoCGs sets of the strategic matters between the local authorities.

Planning Practice Guidance, Plan Making, Paragraph 15

What activities are expected to be documented in a statement of common ground?

PPG requirement

Strategic policy-making authorities are expected to document the activities undertaken when in the process of addressing strategic cross-boundary matters whilst cooperating.

SoCG Reference/ evidence

Duty to Cooperate Statement [DC1] paragraph 48. - 67 documents the activities that the Council has undertaken when addressing the strategic cross boundary matters.

Planning Practice Guidance, Plan Making, Paragraph 20

When does the statement of common ground need to be prepared, published and updated?

Statements need be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a statement needs to be published when

Agreed SoCGs have been made available on the Council's website.

the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined.

Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.

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?

Yes, the Council has co-operated with relevant local planning authorities and prescribed bodies in the planning of sustainable development relevant to cross boundary strategic planning.

22.1. The Duty to Cooperate Statement [DC1] paragraphs 3 – 28, sets out who, why and when the Council has engaged with during the preparation of the Plan and the key relationships the Council has with local authorities and prescribed bodies. Paragraph 29 explains how the Council has undertaken engagement with these organisations.

22.2. The outcome of the engagement and the influence it has had on the Plan is set out at paragraphs 35 - 51. This includes:

- Production of Joint evidence Paragraphs 35 – 43 of [DC1] set out how the Council has worked with other local planning authorities on the preparation of joint evidence.
- Meeting unmet needs Paragraph 48 of [DC1] sets out in more detail the who, how, why and when the Council has engaged with on the strategic matter of unmet need. Responses to Matter 6 set out more clearly the Council's contribution towards unmet need and the considerations it has made in coming to that position.

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?

The matters of cross boundary strategic significance are:

- **Meeting housing need**
- **Jobs and employment**
- **Transport**
- **Infrastructure**
- **Environment**

23.1. These matters are identified in the Duty to Co-Operate Statement [DC1, pages 19 - 32] which sets out for each matter the key strategic partners, other strategic partners, actions taken and outcomes.

23.2. The Council has a long established and mature approach to Duty to Cooperate, which dates back to the preparation of the Adopted District Plan. Work on cross boundary strategic matters has been ongoing since that time; through the preparation of other local authorities' Plans, joint working on local plan evidence and through the work of strategic planning groups. As a result of this, the Council was very clear on the key strategic issues that the Plan needed to address at the outset of the District Plan review.

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?

Yes, the Duty to Cooperate Statement [DC1], pages 19 - 32 demonstrates that the Council has co-operated constructively, actively and on an ongoing basis with relevant parties throughout the preparation of the Submission Plan on the strategic matters to achieve positive outcomes.

24.1. This is also evidenced in the signed SoCGs between the Council and neighbouring local planning authorities. They provide more detail on engagement undertaken on specific cross boundary matters [DC3 – DC18].

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?

The Council has worked collaboratively and on an ongoing basis with neighbouring authorities to address strategic matters. This collaboration has been effective and it has informed deliverable and effective policies.

25.1. The Duty to Cooperate Statement [DC1] and SoCGs [DC3-DC18] set out the outcomes of the Council's engagement on strategic matters. Much of the engagement on cross boundary matters has focused on the evidence base and overarching strategic matters.

- 25.2. For example, neighbouring local authorities were consulted on the Site Selection Methodology [SSP1]. The Council had meetings with its neighbours to explain the approach and provided opportunities for written feedback. This led to amendments to the methodology to address the comments received. The Council also presented the early findings of the Site Selection process, providing examples of sites that had been rejected at each stage, so that neighbouring authorities could understand the options presented and impact on environmental and infrastructure constraints within the district. This has informed discussions with neighbours in respect to the potential for Mid Sussex to accommodate unmet housing need. The involvement of neighbours from an early stage in the process has enabled them to understand the justification for the Plan strategy and policies.
- 25.3. In relation to the strategic issue of transport, the Council has worked closely with neighbouring highway authorities (HA) including West Sussex, East Sussex and Surrey, from an early stage outside the formal consultation periods. This engagement has included sharing outputs/results of model testing and mitigation proposals and has enabled the HAs to seek clarification and request specific or more detailed modelling. The Council undertook further modelling work, at the request of neighbouring HAs, to enable them to fully understand the potential impacts of the Plan on their areas and to provide mitigation if required. This approach has been to the benefit of all parties and ensured that parties fully understood the approach to transport modelling, understood the impacts of Plan on the highway network, alongside the approach to mitigation. Further detail about outcomes of the cross boundary work on transport is set out in Duty to Cooperate Statement [DC1], pages 24 – 27.
- 25.4. The Duty to Cooperate Statement [DC1 – pages 16-17] sets out the outputs of collaborative working on the evidence base. This has been of mutual benefit to the local authorities, enabled consistency of approach, supported a shared understanding of issues, leading to effective policies in the Plans. It has also enabled a strategic approach to addressing the issue of housing, employment and water neutrality (**DPS5: Water Neutrality**), as set out in Northern West Sussex Statements of Common Ground [DC3] and [DC4] and the approach to strategic mitigation for the Ashdown Forest SPA/SAC as undertaken by the partnership of local authorities and Natural England [DC18] which has informed policy **DP6: Ashdown Forest SPA and SAC**.

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?

The Council has made every effort to meet the cross boundary strategic priorities, including addressing unmet development needs however this is a

balanced exercise when considering the constraints in the district (as required by Paragraph 11 of the Framework).

- 26.1. **Policy DP5 of the Adopted Local Plan** requires the Council to continue to work with all neighbouring local authorities on an ongoing basis to address the objectively assessed need for housing across the Housing Market Area (HMA), prioritising the Northern West Sussex HMA as the primary HMA.
- 26.2. It goes on to state that the Council will work jointly and proactively with the Gatwick Diamond and the West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub region.
- 26.3. The Council has worked collaboratively and on an ongoing basis with neighbouring local authorities since the adoption of the District Plan 2014 – 2031, and during the preparation of the Submitted District Plan. This is evidenced through the Duty to Cooperate Statement [[DC1](#)], SoCG [[DC3 - DC15](#)], and Housing Need and Requirement Topic Paper [[H5](#)].
- 26.4. Paragraph 11(b) of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing including any needs that cannot be met within neighbouring areas, as established through statements of common ground unless the application of the policies in the NPPF restrict the scale/type/distribution of development of adverse impacts significantly and demonstrably outweigh the benefits.
- 26.5. The application of a robust and transparent site selection process (including Sustainability Appraisal and Habitats Regulations Assessment) has enabled the Council to identify sites which will deliver sustainable growth in Mid Sussex, whilst protecting the most valued landscapes and assets, as required by National Policy and Guidance.
- 26.6. An explanation of the Plan's housing supply is provided in the Councils' response to Matter 6: Housing.

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 prioritisation of the Northern West Sussex HMA authorities over others is long-established and justified by the evidence base.

- 27.1. The justification is set out in the Northern West Sussex HMA Statement of Common Ground: Housing [[DC4](#), paragraphs 2.3 – 2.4] and can be summarised as follows:

- The adopted Mid Sussex (2018), Crawley (2015) and Horsham (2015) Local Plans were based on the West Sussex Strategic Housing Market Assessment (2009) jointly commissioned by West Sussex authorities. This identified a primary HMA consisting of Mid Sussex, Crawley and Horsham, and secondary overlaps with Brighton in the southern part of the district.
 - A further report was commissioned by the Greater Brighton and Coastal West Sussex Strategic Planning Board (comprising all West Sussex authorities, Brighton & Hove City Council and Lewes District Council) in 2016 to review HMA boundaries. This report arrived at the same conclusions as the 2009 SHMA.
 - The same conclusions were reached in further updates to SHMAs, including work jointly commissioned by Crawley and Horsham to support the review of their Local Plans [O10], and in the recent SHMA update for Mid Sussex [H1]. This updated report reached the same conclusion as the SHMA the adopted District Plan was based upon - that Northern West Sussex remains the primary HMA.
- 27.2. The Council recognises that there is a high level of unmet need arising from neighbouring areas, but it would not be possible for all of this to be met in Mid Sussex, nor is there an expectation to. The rationale is based on the principle of meeting housing need in the areas with strongest housing market links first. Policy **DP5: Planning to Meet Future Housing Need** in the adopted District Plan [BD1] states:
- “The Council will continue to work under the ‘Duty to Co-Operate’ with all other neighbouring local authorities on an ongoing basis to address the objectively assessed needs for housing across the Housing Market Areas, prioritising the Northern West Sussex HMA as this is established as the primary HMA”.*
- 27.3. This approach was examined and endorsed by the Inspector examining the adopted Mid Sussex District Plan [BD4, para 28].
- 27.4. Fundamentally, the SHMA evidence has been updated since the District Plan was adopted in 2018 and reaches the same conclusion – Northern West Sussex remains the primary HMA for Mid Sussex. The three HMA authorities have worked to this principle when preparing their respective Local Plans and this is reflected by the prioritisation set out within the submitted District Plan [DP1, p.139] and Northern West Sussex SoCG: Housing.
- 27.5. As indicated in adopted District Plan policy **DP5: Planning to Meet Future Housing Need** any housing provision over and above meeting Mid Sussex housing need would serve as a contribution towards unmet need arising in the Northern West Sussex HMA as a priority. The supporting text to policy **DPH1: Housing** in the submitted District Plan takes the same approach.
- 27.6. The principle of a hierarchical approach, should capacity arise, has recently been endorsed in the Inspector’s Report on the Crawley Local Plan [O8] paragraph 23 which states *“The NWSHMA SOcG,, is significant on this matter of unmet need. This clearly establishes an agreed hierarchical approach that should capacity arise*

then unmet needs within the Housing Market Area (HMA) would take priority over any other anticipated requests to accommodate unmet 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?

The Council considers that all strategic matters have been adequately considered on a cross-boundary basis.

- 28.1. This is evidenced through the Duty to Cooperate Statement, Statements of Common Ground and Statements of Consultation.

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

The Council is satisfied that the Duty to Cooperate has been discharged in a manner consistent with the Paragraph 24 – 27 of the Framework.

- 29.1. This is evidenced through the Duty to Cooperate Statement, Statements of Common Ground, Statements of Consultation and further supported through the Council’s responses to Matter 2 as a whole.