

Home Builders Federation

Matter 2

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

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

HBF welcome the publication of the statements of common ground (SoCG) which were missing from the regulation 19 consultation. As for the content, HBF would have expected more detail on when the issue of unmet housing needs was discussed with relevant partners. As set out in our representations, and the council's own evidence, there are significant unmet needs across neighbouring areas and the council will need to provide evidence as to when this matter was discussed with its neighbours given that the SoCGs were only recently published and not, as is required in paragraph 27 of the NPPF, made publicly available over the whole plan making process to ensure transparency. As such, where SoCG come forward late in the plan making process it is vital that there is sufficient detail as to when discussions on key issue took place to give confidence to interested parties and the inspector that the duty to co-operate was effectively discharged.

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 for the council to answer in detail to aid discussion at the hearings. The council has clearly engaged with the appropriate prescribed bodies on some issues, namely issue of Water Neutrality, however, there is less evidence with regard to the consideration of collective actions required to address the unmet need for housing. For example, reference is made in the DtC statement and Sustainability Appraisal to the commissioning of a third Local Strategic Statement (LSS) for the period 2030 to 2050 with the West Sussex and Greater Brighton Strategic Planning Board (WS&GBSPB). HBF welcome the commitment to a third LSS, but more information is needed as to when the issue of unmet needs has been discussed at this partnership board since the publication of the second LSS in 2016 in which significant unmet needs were identified. The WS&GBSPB is clearly an appropriate forum for discussing unmet housing needs and securing agreement between authorities on cross boundary issues such as housing needs. However, it is still for the council to show that as a minimum these discussions have taken place, even if it was not possible to agree any outcomes as to a way forward in this round of plan making.

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. The Council have identified that unmet housing needs is a key cross boundary strategic issue for Mid Sussex and its neighbouring authorities, a conclusion with which the HBF would agree. Where HBF disagree with the council is that it could have looked to increase the supply of housing beyond that proposed in this local plan and do more to meet the pressing need for new homes across the sub-region.

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?

It is not clear at present whether the Council has co-operated constructively, actively and on an ongoing basis and HBF will need to consider the Council's response to question 22 in particular before coming to a conclusion as to whether the duty to co-operate has been effectively discharged.

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?

What is clear from the duty to co-operate activities that have been undertaken by the council that there is a significant level of unmet need for new homes in the HMA and the wider sub region. In HBF's opinion this should have led to the council doing more to address some these needs through the local plan review, giving more weight to issue of unmet needs in its decision making processes. For example, the Council did not test a higher housing requirement in the SA to the one proposed in the submitted local plan. HBF would have expected the Council, in recognition of the significant shortfalls not only in the HMA but also in neighbouring areas, to have at the very least tested through the SA an alternative strategy that would have delivered more homes than that expected through option 2.

Whether the decision not to do more than it has is a failure of the duty or a failure to properly consider, and plan for, the unmet needs of neighbouring authorities as required by paragraph 11 and 61 of the NPPF is still not clear from the evidence. The HBF is inclined to think it is the later and as such the plan can be modified to address this shortcoming and provide a further boost in housing supply in the HMA.

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 considered 5 spatial options with only two of these options, 2 and 3 expected to deliver more homes than the assessed housing needs for Mid Sussex. Option 3 was dismissed in part on the basis that the location considered was considered deliverable. As such this left option 2 as the most appropriate strategy with regard to meeting housing needs. However, it must be noted that whilst option 2 goes

above the level of housing need with a surplus no consideration appears to have been given to testing options that would deliver a higher level of housing growth than is being proposed.

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?

This is for the council to answer. However, in seeking to address unmet needs in a sub region that has such significant shortfalls it is appropriate to identify which authorities are expected to benefit from the additional supply in order to provide clarity as to whose needs are being met.

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?

Our concerns regarding the council's approach to unmet housing needs is set out above.

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

The Council have engaged with the relevant bodies with regard to the strategic cross boundary matter of unmet housing needs, but as mentioned earlier in this statement more detail is required as to when and how joint working took place. However, our principal concern is that in preparing this plan insufficient work has been undertaken to consider whether more of the unmet needs in neighbouring areas could be met in Mid Sussex. As such we are concerned that the approach to unmet needs has not been effective and is inconsistent with paragraph 26 of the framework. However, as highlighted above this can be rectified through additional allocations as part of the main modifications to the local plan.

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