

## DUTY TO COOPERATE STATEMENT OF COMMON GROUND

BETWEEN: Brighton & Hove City Council and the South Downs National Park Authority

DATE: April 2018

### 1. Introduction

1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Brighton & Hove City Council (BHCC) and the South Downs National Park Authority (SDNPA). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and agreed actions to resolve outstanding matters. It is not binding on any party, but sets out a clear and positive direction to inform ongoing strategy and plan-making.

### 2. Context

2.1 Section 62 of the Environment Act 1995 requires all relevant authorities, including local authorities such as BHCC, to have regard to the purposes of national parks. These are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

2.2 As a National Park Authority and Local Planning Authority, plan-making for the SDNPA is subject to the National Planning Policy Framework (NPPF) whereby Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in the NPPF indicate development should be restricted. An example of such restrictions given in footnote 9 on page 4 of NPPF is policies relating to the development of sites within a National Park. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

2.3 Approximately 44% of Brighton & Hove falls within the South Downs National Park. All statutory planning responsibilities within the National Park area of the city falls to the National Park Authority.

2.4 Brighton & Hove and part of the South Downs National Park falls within the Sussex Coast Housing Market Area (HMA). Both the authorities work in partnership together to ensure that strategic planning issues are properly and holistically addressed.

### 3. Purpose and objectives

3.1 The SDNPA is preparing its first Local Plan – the South Downs Local Plan (SDLP). The SDLP is a landscape-led plan, with ecosystem services (the goods and services we get from the natural environment) at its heart. The SDLP will provide a comprehensive development plan document to cover the whole of the National Park, and will include a policy to address all types of development, with the exception of minerals and waste.

3.2 The purpose of this SCG is to demonstrate clearly and concisely how strategic cross-boundary matters relevant to the SDLP, which are specific to both authorities, have been and will continue to be jointly addressed. These focus on the issue of addressing objectively assessed development needs, particularly housing needs, and on how points of disagreement between the parties are being positively resolved. Further detail is given in the South Downs National Park Duty to Cooperate Statement<sup>1</sup>, and in the jointly prepared documents referred to below.

#### 4. Addressing unmet housing need

4.1 It is agreed between the parties that the housing supply and objectively assessed need both within and outside of the South Downs National Park, is as set out in the Table I below:

**Table I: Housing supply and need in the Brighton & Hove part of the South Downs National Park**

	A	B	C	D	E	F	G
<b>HMA / District area</b>	<b>SDLP housing provision (total)<sup>1</sup></b>	<b>SDLP housing provision (A divided by 19 years)</b>	<b>OAN inside SDNP<sup>2</sup></b>	<b>Unmet need inside SDNP<sup>3</sup> (C minus B)</b>	<b>Local Authority Local Plan provision (area outside SDNP)<sup>4</sup></b>	<b>Local Authority OAN per annum (whole area)<sup>5</sup></b>	<b>Total annual unmet need by L.A./HMA<sup>6</sup> (B+E-F)</b>
Brighton & Hove	0	0	9	9	660	1506	846
<b>Sussex Coast HMA<sup>7</sup></b>	<b>2971</b>	<b>156</b>	<b>274</b>	<b>112</b>	<b>2748</b>	<b>4481</b>	<b>1577</b>

<sup>1</sup> SDLP & NDP housing allocations plus commitments plus windfall (to be provided over the Local Plan period 2014-33)

<sup>2</sup> South Downs HEDNA 2017 (Table 4)

<sup>3</sup> The difference between SDNP OAN and SDNP annualised provision (previous two columns)

<sup>4</sup> Brighton & Hove figure derived from the City Plan Part One

<sup>5</sup> Taken from Brighton & Hove City Plan Part One (para 2.20) which states an OAN of 30,120 new homes over the Plan period.

<sup>6</sup> This is the difference between the total provision and the total OAN, for the whole area (both within and outside SDNP).

<sup>7</sup> Sussex Coast HMA consists of the following lower tier/unitary authorities: Adur, Arun, Brighton & Hove, Chichester, Lewes, and Worthing.

4.2 The SDNPA and BHCC agree that the objectively assessed housing needs for that part of Brighton & Hove that lies within the National Park cannot be met without unacceptable environmental consequences and that there continues to be an unmet housing need whereby paragraphs 179-181 of the National Planning Policy Framework is engaged. The

<sup>1</sup> South Downs National Park Duty to Cooperate Statement, 2017

parties to this agreement are addressing this as far as is consistent with the policies set out in the Framework, in the following ways:

- i) The study 'Defining the HMA and FEMA' (GL Hearn, 2017) prepared on behalf of the Greater Brighton and West Sussex Strategic Planning Board identifies that Brighton & Hove falls within the Coastal Urban Housing Market Area (HMA). It is acknowledged that the South Downs National Park HEDNA nevertheless uses the previous, larger Coastal Sussex HMA which includes Brighton & Hove.
- ii) A Coastal West Sussex and Greater Brighton Local Strategic Statement (LSS) was published in October 2013 and updated in January 2016.<sup>2</sup> The Statement sets out a number of strategic priorities designed to maximize development potential, balanced against managing the many environmental assets and natural resources in the area. A Memorandum of Understanding has also been signed by all parties, which confirms an ongoing commitment to joint working across administrative boundaries.<sup>3</sup>

4.3 It is agreed by both parties that the continued joint work of the West Sussex and Greater Brighton Strategic Planning Board is the most appropriate mechanism for addressing unmet development needs in the Housing Market Area. The Board member authorities have started work towards developing a new high level plan known as LSS3. This will seek to address the 'larger than local' issues that are currently holding back the potential of the sub region. and will consider all sustainable options and seek to fully realise the area's potential to deliver new housing and economic growth. The resulting strategy will inform the future reviews of local plans by the individual local authorities including those of the SDNPA and BHCC. Further details are set out in the South Downs National Park Duty to Cooperate Statement.

## 5. Gypsies and Travellers

5.1 The joint Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) published in 2014<sup>4</sup> covers all of the Brighton & Hove administrative area, including that which falls within the National Park. It identified an objectively assessed need to accommodate 32 households/pitches across the study area over the period up to 2028. The disaggregation of this need indicates that within Brighton & Hove LPA area there will be a need for 19 pitches, and within the South Downs National Park LPA area there will be a need for pitches for 13 households/pitches.

5.2 SDNPA published the Gypsy & Traveller Site Assessments<sup>5</sup> in 2017, which covered the whole of Brighton & Hove. The study sought to identify potential sites by undertaking a thorough and objective site search process. One site considered in this study was considered potentially suitable and available. Further detailed assessment <sup>6</sup> of this site was undertaken by BHCC, however during this process it was confirmed that the site is no longer available. Therefore there remains an unmet need for 32 Gypsy and Traveller pitches across the whole of Brighton & Hove. Whilst there is currently limited scope for meeting this need through allocation of sites, Policy SD33 of the South Downs Local Plan and Policy CP22 of the Brighton & Hove City Plan Part One set a positive criteria-based

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<sup>2</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2016/05/FINAL-LSS-Refresh-Final-version-Jan-16-180416.pdf>

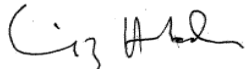
<sup>3</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2014/02/FINAL-CWS-SPB-MoU-Feb-2014-Final-Signed.pdf>

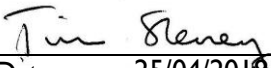
<sup>4</sup> Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, November 2014, University of Salford

<sup>5</sup> Gypsy & Traveller Site Assessments, 2017 (Brighton & Hove CC and the SDNPA)

<sup>6</sup> Brighton & Hove Detailed Traveller Site Assessment (DLP Planning, October 2017)

framework for bringing as-yet unidentified sites forward through the development management process.

Signed on behalf of Brighton & Hove Council	
	
Date	25/4/18
Position	Head of Planning

Signed on behalf of the South Downs National Park Authority	
	
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