



Lewes District Council



South Downs

National Park Authority

## DUTY TO COOPERATE STATEMENT OF COMMON GROUND

BETWEEN: Lewes District Council and the South Downs National Park Authority

DATE: 14 March

### 1. Introduction

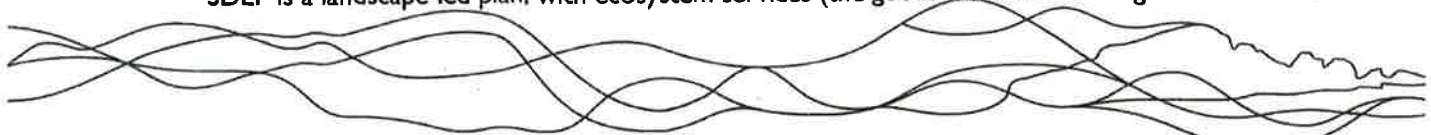
1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Lewes District Council (LDC) and the South Downs National Park Authority (SDNPA). It sets out the position and understanding with respect to key relevant duty to cooperate matters, and agreed actions to resolve outstanding 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 LDC, 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 56% of the district of Lewes, and the whole of the town of Lewes, falls within the South Downs National Park. All statutory planning responsibilities within the National Park area of the district falls to the National Park Authority.
- 2.4 Part of both the South Downs National Park and Lewes District 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 Table 1 below:

**Table 1: Housing supply and need in the Lewes part of the South Downs National Park**

	A	B	C	D	E	F	G	H
HMA / District area	SDLP housing provision (total) <sup>1</sup>	SDLP housing provision (A divided by 19 years)	OAN inside SDNP <sup>2</sup>	Unmet need inside SDNP <sup>3</sup> (C minus B)	Local Authority Local Plan provision (area outside SDNP) <sup>4</sup>	Local Authority OAN per annum (whole area) <sup>5</sup>	Total annual over-supply by L.A./HMA <sup>6</sup> (B+E-F)	Total annual unmet need by L.A./HMA <sup>6</sup> (B+E-F)
Lewes	1307	69	114	45	276	520	-	175
Sussex Coast HMA <sup>7</sup>	2971	156	274	112	2748	4481	-	1577

<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> Lewes figure derived from total Lewes District Local Plan Part I Joint Core Strategy 2010-2030 annualised target (345) less annualised housing provision being delivered by SDLP (69).

<sup>5</sup> The Lewes OAN reflects the Lewes Local Plan Part I Inspectors Report (para 22) and Inspectors Preliminary Findings (letter dated 10 February 2015) and is the upper end of the range identified in the Coastal West Sussex Duty to Cooperate Housing Study.

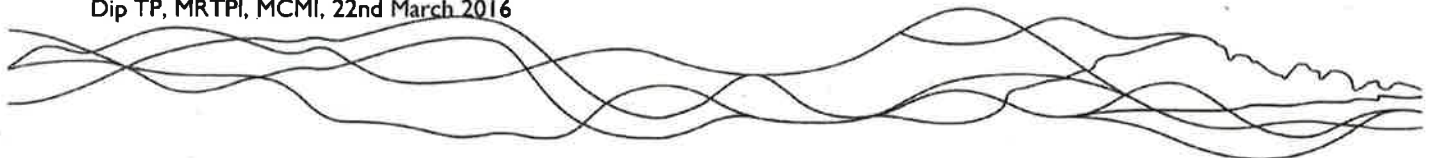
<sup>6</sup> This is the difference between the total provision and the total OAN, for the whole area (both within and outside SDNP).

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

4.2 The housing figures in the South Downs Local Plan relating to that part of Lewes District within the National Park carry forward the scale of housing agreed in the Lewes Joint Core Strategy (JCS). The Inspector's report<sup>2</sup> on the JCS states that:

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

<sup>2</sup> Report to Lewes District Council and the South Downs National Park Authority, by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI, 22nd March 2016



Local Plan allocates five pitches in that part of Lewes District within the National Park. The Lewes District Local Plan Part 2 Site Allocations and Development Management Policies Draft Document published for Regulation 18 consultation in November 2017 does not allocate any Gypsy and Traveller sites due to a lack of availability of any suitable sites. Therefore there remains an unmet need for eight Gypsy and Traveller pitches across the District, five in Lewes District outside the National Park and three within the National Park. Whilst there is currently limited scope for meeting this need through allocation of sites, both parties consider that Lewes JCS Core Policy 3 and South Downs Local Plan Strategic Policy SD33 respectively set positive frameworks for bringing as-yet unidentified sites forward through the development management process.

5.2 LDC is currently investigating further how to meet the unmet need across the whole district.

6. Habitat Regulations Assessment - air quality impact assessment

6.1 It is agreed between the parties that there is a strategic cross boundary issue of how to assess air quality impacts on the Ashdown Forest Special Area of Conservation (SAC) and Lewes Downs SAC, predominantly arising from traffic associated with new development. The assessment methods are being considered through the Ashdown Forest Statement of Common Ground to which both authorities are signatories.

6.2 The LDC and SDNPA joint 2015 Habitat Regulations Assessment (HRA) Addendum on air quality impacts on the Lewes Downs SAC and the joint 2017 HRA Addendum on air quality impacts on the Ashdown Forest SAC both include robustly carried out, industry standard methodology. The assessments are in combination with other plans and programmes and both conclude no likely significant effect and/or no adverse effects on integrity on the SACs, a conclusion endorsed by Natural England.

Signed on behalf of Lewes District Council



Date: 21 March 2018

Position: Head of Planning

Signed on behalf of the South Downs National Park Authority



Date 24 APRIL 2018.

Position DIRECTOR

South Downs Centre, North Street,  
Midhurst, West Sussex, GU29 9DH

T: 01730 814810

E: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)  
[www.southdowns.gov.uk](http://www.southdowns.gov.uk)

Chief Executive: Trevor Beattie



*It is effectively common ground between the Councils, the HBF, the CPRE and others, including numerous Parish Councils and major house builders active in the locality, that the agreed OAN figures cannot be met in full in this district at present. This is so, even at the lowest end of the range identified, without unacceptable environmental consequences that would be contrary to the policies and guidance in the NPPF and PPG. This takes into account the constraints of the NP, the flood risks locally and other significant factors, including the capacity of the road network, notably on the A27 and A259, and coastal erosion, amongst other things, such as the two Special Areas of Conservation (SAC) and the Heritage Coast designation. As noted in respect of the DtC, there is no realistic prospect of any material help in achieving new housing delivery from nearby Councils in the near future, pending further work on a sub-regional basis and a potential plan review (paragraph 25)*

4.3 The SDNPA and LDC agree that the objectively assessed housing needs in the district still 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 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 Lewes District falls primarily within the Brighton & East Sussex Housing Market Area (HMA). It is acknowledged that the South Downs National Park HEDNA nevertheless uses the previous, larger Coastal Sussex HMA which includes Lewes district.
- ii) A Coastal West Sussex and Greater Brighton Local Strategic Statement (LSS) was published in October 2013 and updated in January 2016.<sup>3</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>4</sup>

4.4 It is agreed by both parties that the continued joint work of the Coastal 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 has now started work to address the challenge for the future of creating an approach which allows all the authorities in the Board to work collectively on 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 each individual authority will be able to prepare their own plans from 2030 onwards to not only address their own local issues, but also set out how they intend to address the cross boundary issues set out in the LSS3. Further details are set out in the South Downs National Park Duty to Cooperate Statement.

## 5. Gypsies and Travellers

5.1 The East Sussex Joint Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) published in 2015<sup>5</sup> covers all of Lewes District inside and outside the National Park. It identified a need for 13 net additional permanent pitches for the period 2016 to 2028. Core Policy 3 of the JCS sets a requirement for 13 net additional permanent pitches for Gypsies & Travellers across Lewes District. The South Downs

<sup>3</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2016/05/FINAL-LSS-Refresh-Final-version-Jan-16-180416.pdf>

<sup>4</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2014/02/FINAL-CWS-SPB-MoU-Feb-2014-Final-Signed.pdf>

<sup>5</sup> East Sussex Joint Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, January 2015, University of Salford

