



## DUTY TO COOPERATE STATEMENT OF COMMON GROUND

BETWEEN: Mid Sussex District Council and the South Downs National Park Authority

DATE: 7<sup>th</sup> February 2018

### 1. Introduction

1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Mid Sussex District Council 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 either party.

### 2. Context

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

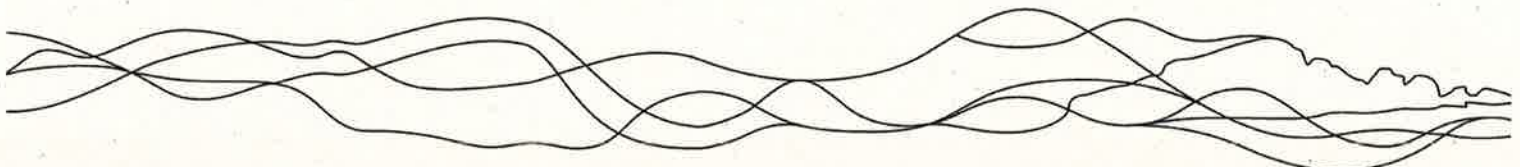
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

2.2 As a National park 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.

2.3 Furthermore, 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. It should also be noted that the DEFRA UK Government Vision and Circular 2010 on English National Parks and the Broads, referenced in the NPPF at this point makes clear that the Government recognizes that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them.

2.4 Mid Sussex is a district area of which approximately 11.2% falls within the South Downs National Park. This means that statutory planning responsibilities within the district are geographically split along the National Park boundary.

2.5 Both local authorities fall partly or wholly in the Northern West Sussex Housing Market Area (NWSHMA).



2.6 The two authorities work in partnership to ensure that strategic planning issues are properly and holistically addressed. There already exists a Memorandum of Understanding (MoU) between the two parties, dated January 2016 (signed in February/March 2016), upon which this refreshed statement builds. The 2016 MoU is attached as Appendix 1.

2.7 The two authorities agree the context in which this Statement of Common Ground has been prepared.

### 3. Purpose and objectives

3.1 The SDNPA is preparing the first Local Plan to cover the whole national park in its entirety – the South Downs Local Plan (SDLP). The SDLP is a landscape-led plan, with ecosystem services 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 emerging Mid Sussex District Plan 2014-2031 has recently undergone examination in public. As a result of discussions and written directions from the Inspector, Jonathan Bore MRTPI, a set of Main Modifications to the Submission Local Plan has been published for public consultation. It is expected that the Inspector's report will be received in February 2018, and will reflect the Main Modifications. The Plan is expected to be adopted in Spring 2018.

3.3 The purpose of this SCG is to demonstrate clearly and concisely how strategic cross-boundary matters relevant to the SDLP, which are specific to the two authorities, have been and will continue be jointly addressed.

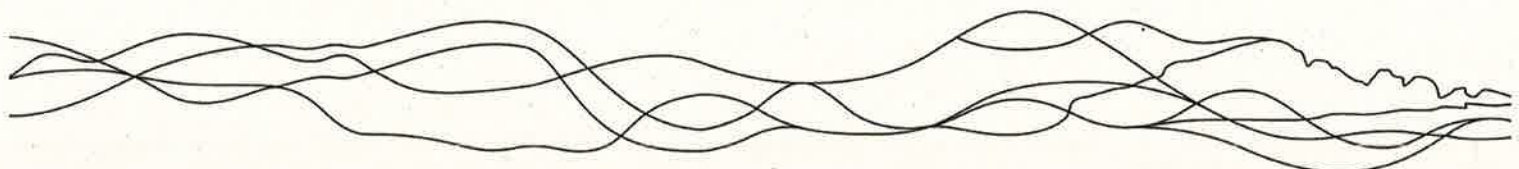
3.4 The outcomes below set out agreed facts and agreed mechanisms for addressing these matters:

### 4. Addressing housing need within Mid Sussex District

4.1 The emerging Mid Sussex District Plan (Main Modifications version) states the following in relation to housing need and supply in Mid Sussex District (Policy DP5: Housing / MM04):

- i) The established objectively assessed housing need for the whole of Mid Sussex District (including the part that falls within the National Park) is **876 dwellings per annum** (a total of 14,892 over the 17-year Plan period).
- ii) The District Plan sets a minimum housing provision figure of 16,390 homes in the 17-year period 2014-31 to meet the OAN as well as contributing to the unmet need of neighbouring authorities, primarily the unmet need arising in the Northern West Sussex Housing Market Area from Crawley.
- iii) The annual provision will be made by way of a stepped trajectory, whereby 876 dwellings per annum will be provided for years 2014/15 until 2023/24 and thereafter, from 1<sup>st</sup> April 2024, 1,090 dwellings per annum until 2030/31, subject to further HRA on further allocated sites.

4.2 The South Downs Housing and Economic Development Needs Assessment (HEDNA) (September 2017) estimates the unmet housing need within the National Park, broken down by district and by HMA (Table 5). The annual need in the Mid Sussex part of the National Park is **5 dwellings per annum** (a total of 95 dwellings over the Plan period). This is broadly in line with the conclusions of the Mid Sussex District Council HEDNA update (November 2015) which estimates a OAN within the Mid Sussex part of the



National Park of approximately 7 dwellings per year (around 1% of the total OAN for the whole district).

4.3 Taking into account the above, it is agreed between the parties that the housing supply and objectively assessed need for the district area, as applies with regards to the district both within and outside of the South Downs National Park, is as set out in the table below:

	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>
Mid Sussex	35	2	5	3	876 (2014/15 to 2023/24) 1090 (2024/25 to 2030/31)	876	0 (2014/15 to 2023/24) 214 (2024/25 to 2030/31)	-
Northern WSx HMA	120	6	14	8	2104	2187	-	77

<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> The latest outcome from the Mid Sussex Examination is a stepped annual provision of 876 dpa for the first 10 years of the 17-year Plan period, and 1,090 dpa thereafter. This calculates as an annualised oversupply of 88 dpa, however no oversupply is expected until at least 2024/25.

<sup>5</sup> As Mid Sussex Local Plan Main Modifications September 2017

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

4.4 As an average of around 2 dpa will be delivered in the National Park over the Plan period, the effective unmet need in the National Park part of Mid-Sussex is 3 dpa, which will be met elsewhere in Mid-Sussex District. Based on the above evidence, both parties confirm that the figure for the objectively assessed housing need for Mid Sussex includes the communities within the National Park which fall within the District, and therefore these communities' housing needs will be met through the provision of housing through the Mid Sussex District Plan.

## 5. Addressing wider housing need

5.1 Whilst Mid Sussex District relates primarily to the Northern West Sussex HMA, both parties acknowledge that there is also a shortfall of housing in the wider West Sussex and Greater Brighton area, caused by the inability of the coastal authorities (except Arun) to meet their own needs. The scale of the issue requires a sub-regional response and therefore on-going engagement across the sub-region through the West Sussex and Greater Brighton Strategic Planning Board, which both parties are members of, will consider and test whether there are any opportunities for other local authority areas to

meet some of the unmet housing need in taking forward the Local Strategic Statement 3 (LSS3). The South Downs National Park considers that, given the landscape and environmental constraints outlined above, it is not in a position to meet its own need nor accommodate any of the shortfall arising from neighbouring areas. MSDC will give further consideration to the issue of unmet need through its District Plan Review, which will take place in 2021.

6. Habitat Regulations Assessment and the Ashdown Forest

6.1 As a result of a successful legal challenge to the Lewes Joint Core Strategy which resulted in the quashing in the High Court of Policies SPI and SP2 insofar as they apply to the South Downs National Park, there is a requirement to work jointly on a sub-regional basis to address the potential impacts of nitrogen deposition on the Ashdown Forest Special Protection Area. Both parties have committed to working with other authorities to produce a Statement of Common Ground, which is anticipated to be published in March 2018.

7. Other matters

7.1 Representations have been made by MSDC to the pre-submission SDLP on two other cross boundary issues (green infrastructure and open space provision). It is agreed that these are matters of detail that are not fundamental to the Duty to Cooperate, and are therefore not addressed in this statement.

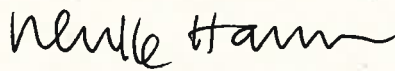
Signed on behalf of Mid Sussex District Council

  
Andrew MacNaughton

Date: 7<sup>th</sup> February 2018

Position: Cabinet Member for Housing and Planning

Signed on behalf of the South Downs National Park Authority, Planning Authority

  
Neville Harrison

Date:

Position: Planning Committee Chair

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