

Compiled by the Planning Policy, Projects & Heritage Team
at Brighton & Hove City Council

Duty to Cooperate Statement

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Brighton & Hove
City Council

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1. Introduction

1.1 The Duty to Cooperate is a requirement of the Localism Act 2011¹ and the National Planning Policy Framework (NPPF). It places a legal duty on Local Planning Authorities and other prescribed bodies to engage constructively and actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. Local Planning authorities must demonstrate how they have complied with the Duty at the examination stage of their Local Plan.

1.2 The National Planning Policy Guidance (NGG) clarifies that:

*Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.*²

All parties should approach the duty in a proportionate way, tailoring cooperation according to where they can maximise the effectiveness of plans.

1.3 This statement has been prepared as a supporting document to the submission City Plan Part 2 and it sets out how the Duty to Cooperate has been considered and met in preparing this plan.

1.4 Most cross-boundary issues affecting the city were dealt with in the adopted City Plan Part 1 (2016)³ and do not fall to be re-opened. Strategic matters were dealt with in the preparation and examination of the City Plan Part 1⁴. The role of the City Plan Part 2 is to support the implementation of the existing strategic plan through site allocations and detailed development management policies.

1.5 The Inspector concluded in her Report on the Examination into the Brighton & Hove City Plan Part One published 5th February 2016⁵ that the council had '*actively engaged at both officer and member level in a range of cross-boundary partnerships, most notably the Coastal West Sussex and Greater Brighton Strategic Planning Board (CWSGBSPB)*' and that:

In all the circumstances, I consider that Brighton and Hove City Council has demonstrated that it has complied with the duty imposed by section 33A of the 2004 Act. Following submission of the City Plan Part One, the Council has continued to engage with other authorities, as evidenced in the Duty to Cooperate Update Paper. Engagement with other local authorities has been through the CWSGBSPB, through participation in workshops and in some cases meetings directly with neighbouring authorities.

1.6 The City Council continues to work with other local authorities and organisations in the sub-region through a number of cross boundary and joint partnership relationships. This duty to cooperate statement sets out how the council has continued to engage with neighbouring local

¹ And is set out in [section 33A of the Planning and Compulsory Purchase Act 2004](#)

² Paragraph: 029 Reference ID: 61-029-20190315 and Paragraph: 030 Reference ID: 61-030-20190315

³ https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/FINAL%20version%20cityplan%20March%202016compreswith%20forward_0.pdf

⁴ Submission City Plan Duty to Cooperate Compliance Statement (Technical Paper) June 2013 and Duty To Cooperate Statement Update October 2014

⁵ <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Brighton%20%2B%20Hove%20City%20Plan%20Report%20final.pdf>

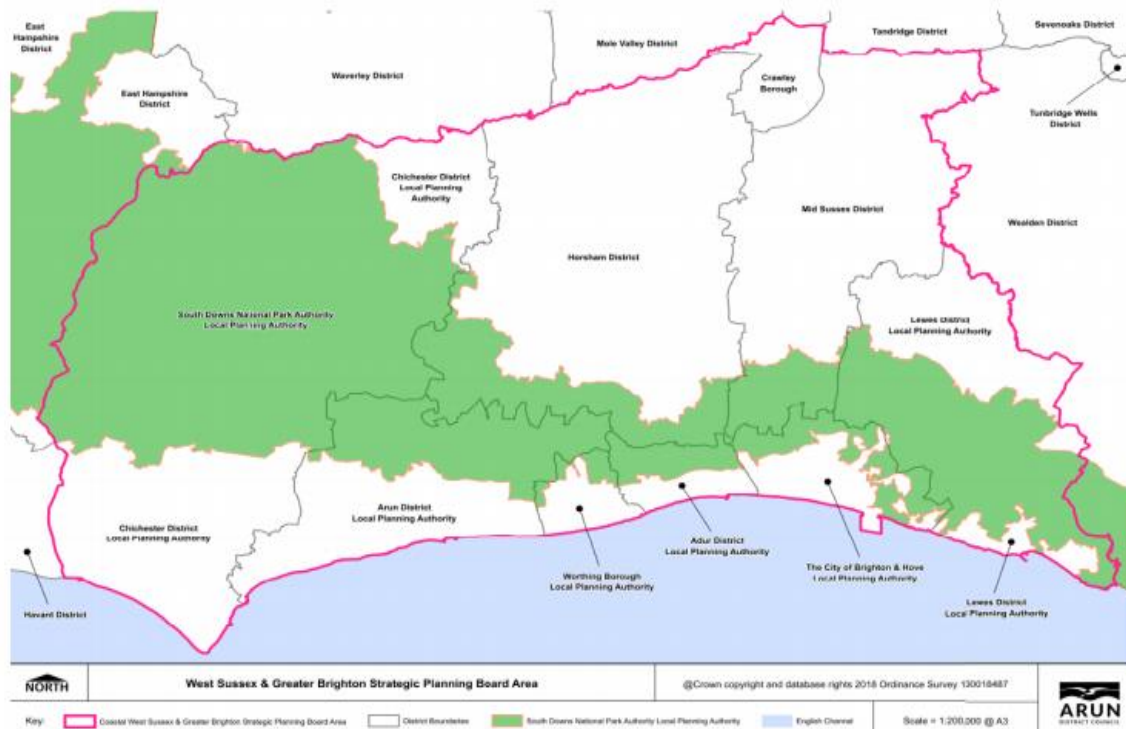
authorities during the preparation of the CPP2 and other prescribed groups and bodies (Section 4). It also highlights through the work of the Greater Brighton Economic Board the measures in place to help housing and employment delivery (Section 5).

- 1.7 The key cross-boundary strategic planning matters for the city: housing and employment are set out in Section 3. Duty to cooperate considerations also arise in relation to the provision of permanent pitches for Gypsy and Traveller accommodation. Section 3 also sets out how the potential cross-border issues of the Ashdown Forest SAC was considered and resolved during the preparation of the City Plan Part 2
- 1.8 Across the wider sub-region, shown in Figure 1, housing need and provision have been addressed, as far as possible, through individual Local Plan reviews. However given the similar constraints experienced by a number of the authorities within the West Sussex and Greater Brighton (WS&GB) sub-region⁶, it has been agreed that a collaborative approach to meeting unmet housing and employment needs will be addressed through the preparation of the Local Strategic Statement 3 (LSS3) by the constituent authorities in the WS&GB sub-region, not only to address ongoing Duty to Co-operate requirements, but in order to achieve a comprehensive and sustainable approach to addressing the strategic matters.
- 1.9 A Statement of Common Ground is in the process of being prepared and agreed by the constituent authorities in the WS&GB region and will highlight the on-going duty to cooperate activities and a timetable of future work programmed to address unmet needs through LSS3 which will provide an overarching framework for future local plan reviews. The City Plan Part 1 Review will commence late 2021 /2022 with adoption estimated in 2024⁷. This is discussed further in Section 4.

⁶ The local planning authorities of Adur, Arun, Brighton & Hove, Chichester, Crawley, Horsham, Lewes, Mid Sussex, Worthing as well as West Sussex County Council and the South Downs National Park Authority.

⁷ Local Development Scheme 2020-2023

Figure 1 Wider Sub-region area



2. Brighton & Hove City Plan Part 2

2.1 The City Plan Part 1 was adopted in March 2016 and sets out the strategic policy framework to guide the new development required across the city to 2030. The City Plan Part 1 sets the overall amounts of development to be planned for (e.g. housing, employment and retail) and the broad locations and Development Areas where new development will take place. It allocates key strategic sites and also sets out key strategic policies to guide future development including policies for urban design, transport, affordable housing, biodiversity and sustainability. This strategic framework is now part of the statutory Development Plan for Brighton & Hove.

2.2 The role of the City Plan Part 2 is to support and enable the implementation and delivery of City Plan Part one; to complement the strategic policy framework; to identify and allocate additional development sites in accordance with the adopted City Plan Part 1 Policy CP1 Housing Delivery and to set out a detailed development management policy framework to assist in the determination of planning applications.

2.3 The City Plan Part Two:

- Is consistent with the vision, strategy and objectives and strategic policies set out in City Plan Part One; and it will cover the period up to 2030;
- Covers the administrative area of the city council that is not within the South Downs National Park (the South Downs Local Plan 2014-2033 adopted in July 2019 covers the administrative area of Brighton & Hove that falls within the National Park);
- Contains site allocations (e.g. for housing and mixed use sites) so that the City Plan Part One strategy for accommodating development needs can be implemented;

- Contains amended/updated or new shopping centre boundaries and heritage/nature conservation designations;
- Contains a suite of development management policies that will replace some of the saved 2005 Local Plan policies and delete others to ensure there is a more streamlined and straightforward set of development management policies;
- Conforms with the National Planning Policy Framework (NPPF) and responds to government changes to the planning system; and
- Results in one City Development Plan (Parts 1 and 2) which will be simpler to use for development management.

3. Cross Boundary Strategic Planning Priorities

3.1 Strategic cross-boundary issues were fully considered during the preparation of the City Plan Part 1. This section provides an update on the current cross-boundary strategic planning priorities.

Housing

3.2 The adopted City Plan Part One (CPP1) sets a housing provision target to deliver a minimum of 13,200 new dwellings over the period 2010- 2030 (660 net dwellings per annum). This figure falls short of the what was at the time the city's objectively assessed housing need (OAN) assessed in 2015 as 30,120 net dwellings (1,506 net dwellings per annum), which reflects the significant constraints affecting the city. The examination inspector required the Council to undertake further detailed work to assess more rigorously all opportunities to meet the city's housing need, including detailed studies to assess the potential for housing development on the urban fringe. As a result of this work, the CPP1 housing provision was increased from 11,300 in the Submission CPP1 to 13,200 homes in the adopted Plan. However, this figure provided for only 44% of the estimated OAN⁸.

3.3 The 2015 housing assessment also identified a net need across the city for 810 affordable homes per year (representing 61% of the total OAN). Taking account of land availability and viability considerations, the affordable housing policy in CPP1 seeks 40% affordable housing on sites of 15 or more dwellings, with lower percentages sought for smaller housing developments. Reflecting this, the CPP1 Implementation and Monitoring Plan sets a target to achieve approximately 30% of all housing delivery as affordable housing. This falls short of the city's assessed requirement.

3.4 As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of the adopted CPP1, rather than to review or amend its established strategy. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the Council has sought to identify additional sites suitable for housing allocation in CPP2 to meet the planned housing requirement and how additional sources of housing delivery (e.g small windfall sites) have been assessed. The Council's objective throughout has been to maximise housing delivery potential in line with the CPP1 development strategy.

3.5 The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply above the minimum CPP1 requirement. The SHLAA Update 2020 shows a significant improvement to the five year housing land supply position with a reduced shortfall of 342 net dwellings (4.7 years housing supply) for the period 2020-2025 compared to the previous year's figure which showed a shortfall of 1,200 dwellings (4.0 year supply). The Council has also published a Housing Delivery Action Plan (dated January 2021) which analyses the factors influencing housing delivery in the city and lists a range of actions which the Council is undertaking to support improved housing delivery. However, delivery rates are to a significant extent dependent on general housing market conditions and landowner/developer decisions which lie outside the Council's control. The Housing Delivery Test results for 2020 also show a delivery figure above 100% for the period 2017-2020. These figures indicate that housing supply and delivery are improving, which is also evidenced by the number of dwellings with planning permission and under construction in the city⁹.

⁸ It should be noted that the OAN for Brighton & Hove calculated using the Government standard method now totals 1,712 dwellings per annum. This will increase to 2,331 dwellings per annum from June 2021 with the addition of the 35% uplift applied to the top 20 cities and urban centres.

⁹ See section 5 of the Housing Delivery Action Plan: [Brighton & Hove HDAP 2019 \(FINAL\) with Cover.pdf](https://www.brighton-hove.gov.uk/media/10000/Brighton-Hove-HDAP-2019-FINAL-with-Cover.pdf) ([brighton-hove.gov.uk](https://www.brighton-hove.gov.uk))

Employment

3.6 The evidence supporting CPP1 identified growth requirements within Brighton & Hove for an additional 112,240 sq. m of office floorspace (B1a, B1b) and 43,430 sq. m of industrial floorspace (B1c, B2 and B8). As with housing, opportunities to meet the city's employment space requirements are extremely constrained due to the limited supply of suitable sites. In addition, there is strong market demand to redevelop existing employment sites for housing and other higher value uses and there has been significant loss of office space to housing through permitted development rights since their introduction in 2013.

3.7 CPP1 sets out a framework to safeguard and upgrade current employment sites in the city and to create new employment floorspace through the regeneration of key sites. Overall, the Plan includes provision for up to 96,000 sq. m office floorspace and 9,000 sq. m industrial floorspace. However, despite this, there has been an overall net loss within all categories of employment floorspace (B1-B8) in the city over the period since 2010. The CPP1 indicated at Policy CP3.5 that in preparing Part 2 of the City Plan would seek to allocate additional employment sites and mixed use allocations to help ensure employment land delivery is maintained over the plan period. CPP2 Strategic Site Allocations and mixed use site allocations have sought to provide new and replacement employment floorspace to complement the CPP1 framework, but these CPP2 allocations have not been able to resolve the employment site requirements.

3.8 To date, neighbouring authorities have been unable to meet the city's housing and employment shortfall. The Statement of Common Ground, which is under preparation and will be appended to this Paper once it has been signed by the constituent authorities, will set out the level of unmet need arising from other local authorities.

Gypsy and Traveller Accommodation

3.9 Another cross-boundary issue that remains to be addressed is planning to meet the accommodation needs of Gypsies and Travellers. The background to this issue and the ongoing work since the adoption of CPP1 is set out below.

3.10 The CPP1 Policy CP22 addresses Traveller Accommodation. The policy sets out that the council will seek to deliver 18 permanent pitches to meet assessed requirements to 2019. This figure was established through the Partial Review of the South East Plan process (2007 – 2010) which indicated a need for 16 pitches to be provided in Brighton & Hove by 2016, and extrapolated to 18 by 2019 using a 3% per annum pitch need growth rate. The 12 permanent pitches at Horsdean (to the north of the city) contribute towards this need. The policy also states the council will review its needs assessment to cover the remaining plan period to 2030 and includes criteria by which any planning application would be judged.

3.11 The City Council undertook a joint review of gypsy and traveller accommodation needs with the South Downs National Park Authority (SDNPA), and published this in November 2014¹⁰. That assessment analysed need for further traveller pitches as it stood in February 2014 in addition to those provided at Horsdean, and presented the projection of requirements for the following five year planning periods:

¹⁰<http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Brighton%20%26%20Hove%20and%20SDNP%20-%20FINAL%20report.pdf>

Table 1 Assessed Need for new residential pitches in the area over the period 2027/28

	Brighton & Hove LPA Area	SDNP LPA area of Brighton & Hove	Travelling Showpeople Need
Residential need 2013/14 – 2017/18 (pitches)	15	8	0
Residential need 2018/19 – 2022/23 (pitches)	2	2	0
Residential need 2023/24 – 2027/28 (pitches)	2	2	0
Residential need 2013/14 – 2027/28 (pitches)	19	13	0

Table 1: Assessed need for new residential pitches in the area over the period to 2027/28

3.12 As part of the preparation of City Plan Part Two, the City Council undertook a joint site search exercise with the South Downs National Park Authority in an attempt to identify sites within the administrative area of Brighton & Hove, including part of the National Park (falling within the city’s administrative area), which could be suitable for allocation in CPP2. This exercise did not identify any suitable and available sites. The process undertaken is set out in two background documents which are available on the City Plan Part Two webpage¹¹.

3.13 The council wrote to neighbouring authorities at the Regulation 18, draft CPP2 stage to establish whether this unmet need could be provided for within their areas. No authorities indicated they were in a position to assist. The written responses to the Duty to Cooperate request are documented in more detail in Appendix 4.

3.14 In line with Policy CP22, which states that “traveller accommodation needs will be reviewed to cover the remaining plan period to 2030”, a new Gypsy and Traveller Accommodation Assessment (GTAA) covering Brighton & Hove including part of the South Downs National Park (SDNP) was commissioned in 2019¹² to provide updated figures for additional pitch requirements. The study distinguishes between the accommodation need arising within the Brighton & Hove local planning authority area and that within the SDNP local planning authority area that forms part of the Brighton & Hove administrative area. The review took into account:

- The time elapsed since the research for the previous study was undertaken in 2014;
- The new definition of traveller as set out in the Government’s Planning Policy for Gypsies and Travellers (2016);
- The delivery and opening of the site at St. Michael’s Way, Hove which provides 12 permanent pitches;
- Changing patterns of unauthorised encampments in the city.

3.15 To provide background information for the study, telephone interviews were conducted with Planning Officers in neighbouring planning authorities. These interviews ensured that wider issues that may impact on the need for traveller pitches in Brighton & Hove were fully understood. This included interviews with officers from the authorities set out below.

¹¹ <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-background-studies-topic-papers>

¹² Available to view on this CPP2 webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-background-studies-topic-papers>

- Adur and Worthing District Councils.
- Mid Sussex District Council.
- Lewes and Eastbourne Councils
- South Downs National Park.

3.16 The study concluded that the need for additional pitches for travellers that meet the planning definition over the 15 year period from 2019 to 2034 is as follows:

Table 2 Additional Traveller Pitch requirements 2019-2034

Years	0-5	6-10	11-15	Total
	2019-24	2024-29	2029-34	
Brighton & Hove LPA area	0	0	0	0
SDNP LPA area within Brighton & Hove	6	2	3	11

3.17 The allocation of the identified pitch requirements to the SDNP LPA area stems largely from the geographical location of the Horsdean site (within the National Park) which is in close proximity to the built-up area of Brighton & Hove. The site was initially developed as a transit site to help address incidents of unauthorised encampments within and around the city. Later, it was further developed to provide a proportion of permanent pitches. The council will therefore continue to work closely with the SDNP to find solutions to addressing the need for additional pitches in the Brighton & Hove administrative area and this has been acknowledged in a Statement of Common Ground agreed between the two authorities.

3.18 Following the completion of the updated GTAA, neighbouring authorities were again contacted to inform them of the revised conclusions and assessment of need, and to ascertain whether there had been any change to the previous expressed positions regarding their ability to assist with pitch provision. The responses received to this exercise are also set out in Appendix 4.

3.19 A further Statement of Common Ground has been agreed with these authorities setting out the agreed positions. Both SOCGs on this issue are included in Appendix 3.

Habitat Regulations Assessment and Ashdown Forest

3.20 An HRA for the submission version of the CPP1 was carried out by Brighton and Hove City Council in July 2014. The HRA for CPP1 concluded there were no adverse effects on designated European sites.

3.21 However, in March 2017, the High Court upheld a legal challenge from Wealden District Council in respect of the Lewes District and South Downs National Park Authority Joint Core Strategy concluding that the accompanying HRA was flawed because its assessment of air quality impact on the Ashdown Forest Special Area of Conservation (SAC) had not been undertaken ‘in combination’ with the increase in vehicle flows likely to arise from the adopted Wealden Core Strategy.

3.22 Following the High Court judgment, a group of authorities formed the Ashdown Forest Working Group (AFWG)¹³ with the objective of ensuring that the impacts of development proposals in emerging local plans on Ashdown Forest are properly assessed through HRA. In April 2018, the AFWG published a Statement of Common Ground (SCG) which addresses the strategic cross boundary issue of air quality impacts on the Ashdown Forest SAC arising from traffic associated with new development and provides evidence on how the authorities have approached the Duty to Co-operate.

3.23 Due to the distance from the Ashdown Forest to the Brighton & Hove city boundary (19.5km at the closest point), Brighton & Hove Council did not initially join the AFWG and was not involved in the preparation of the SCG. However, in early 2018, Wealden DC submitted letters of objection to several planning applications in Brighton & Hove (along with planning applications in neighbouring planning authorities) arguing that the council had a statutory responsibility to demonstrate that the relevant planning applications, in combination with other planned developments, would not result in an adverse impact on Ashdown Forest and other European sites under the Habitats Regulations¹⁴.

3.24 In response to this and in anticipation of a possible objection to City Plan Part 2 related to HRA/Ashdown Forest, the council joined the AFWG and since November 2017 BHCC officers have attended AFWG meetings. Following the withdrawal of the draft Wealden Local Plan in February 2020, there is no longer disagreement between Wealden DC and its neighbouring authorities on HRA issues. The current focus of the AFWG is to oversee continuing monitoring of air quality in the Ashdown Forest and to ensure a consistent approach to traffic modelling and ecological interpretation in future HRA work.

3.25 The Council also commissioned consultants AECOM to undertake a HRA screening to support the draft City Plan Part 2. The resulting HRA screening report¹⁵, screened out all potential impacts on European sites with the exception of air quality impacts on the Ashdown Forest SAC, where it concluded that more detailed evidence was needed to satisfy the requirement for 'appropriate assessment' in the HRA Regulations. To address this, AECOM undertook a detailed air quality impact assessment of traffic effects which¹⁶ concluded that '*growth in Brighton and Hove City will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or 'in combination' with other plans and projects*'. Natural England was formally consulted as part of the HRA work and has agreed these findings.

3.26 The council is therefore satisfied that it has fully considered this potential strategic cross border issue and has met the Duty to Cooperate duties and requirements of the Habitats Regulations. The council continues to attend AFWG meetings and will remain alert to any updates to the evidence on potential development impacts on the Ashdown Forest SAC and other European sites.

¹³ The Ashdown Forest Working Group (AFWG) currently comprises the South Downs NPA, Lewes DC, Eastbourne BC, Wealden DC, Tunbridge Wells BC, Mid Sussex DC, Tandridge DC, Crawley BC, Sevenoaks DC, Rother DC, West Sussex CC, East Sussex CC (as the relevant Waste and Minerals Planning Authorities), and Natural England.

¹⁴ It should be noted that Wealden DC has since acknowledged the right of a competent authority to undertake an assessment of a plan or project as they consider appropriate and has now undertaken not to comment on other assessments, unless they have been specifically requested to do so.

¹⁵ <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Brighton%20%20Hove%20City%20Plan%20Part%202%20HRA%2028%20August%202018.pdf>

¹⁶ <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/BH%20AQ%20Impact%20Assessment%20Final%20Aug%202018.pdf>

4. Ongoing Cooperation – individual authorities and West Sussex and Greater Brighton Strategic Planning framework

Ongoing Duty to Cooperate discussions with individual authorities

4.1 The council continues to progress duty to cooperate issues through discussions with individual authorities, requesting consultation responses on the City Plan Part Two and by responding to neighbouring authorities Local Plan consultations and formal duty to cooperate requests. A list of duty to cooperate consultees is set out in Appendix 1. These ongoing discussions and meetings allows the council to continue to highlight that there remains a significant unmet housing need (including a shortfall in meeting affordable housing needs), a shortfall in meeting the city's employment floorspace and gypsy & traveller needs requirements. Given the difficulties in meeting the city's own housing and employment needs, there has been no scope to meet the unmet needs of neighbouring areas. Details of recent duty to cooperate requests responses and statements of common ground are summarised below.

Duty to Cooperate with Individual authorities since 2016

- **Submission Draft Worthing Local Plan** – Formal response to Duty to Co-operate Request 21 February 2021
- **Horsham District Local Plan 2019-2036** – Formal response to Regulation 18 Consultation 26 March 2020 and ongoing duty to cooperate meetings: 28 February 2019, 28 June 2020 and 4 March 2021
- **Crawley Borough Local Plan Review 2020-2035** – Formal response to Duty to Co-operate Request February 2020
- **Submission Draft Mid Sussex Site Allocations DPD** - Statement of Common Ground February 2020. A series of meetings were held with Mid Sussex District Council in 2014/15¹⁷ The Statement of Common Ground – Update to Memorandum of Understanding February 2020 is included in Appendix #.
- **Lewes District Local Plan Part Two** - Pre-Submission Consultation 23 October 2018 response
- **South Downs National Park Authority Statement of Common Ground 2018** – included in Appendix #.

4.2 There have also been two formal duty to cooperate requests since 2016 for assistance in meeting housing need from outside the West Sussex and Greater Brighton area. These were:

- Mole Valley District Council - March 2021
- Elmbridge Borough Council - February 2020

(Coastal) West Sussex and Greater Brighton Strategic Planning Framework

4.3 Duty to Cooperate work has progressed through the strategic planning framework of the West Sussex and Greater Brighton Strategic Planning Board since it was established in 2012¹⁸ to facilitate joint work on strategic planning priorities. Figure 1 shows the extent of the West Sussex and Greater Brighton Strategic Planning area and footnote 6 lists all the local authority partners represented on the board.

¹⁷ Duty to Cooperate officers' meetings 12th August, 12th December 2014, 6th February and 3rd June 2015.

¹⁸ In 2015 the area covered by the board was expanded to include Mid Sussex and Horsham and in 2018 to additionally include Crawley Borough. See footnote

4.4 The Board's remit is to:

- identify and manage spatial planning issues that impact on more than one local planning area within West Sussex & Greater Brighton (WS & GB); and
- support better integration and alignment of strategic spatial and investment priorities in WS&GB, ensuring that there is a clear and defined route through the statutory local planning process, where necessary.

4.4 The Strategic Planning Board comprises lead councillors from each of the LPAs and works in an advisory capacity with all decision-making undertaken through the individual member authorities; this is set out in a Memorandum of Understanding. A schedule of meetings held is set out in Appendix #.

Local Strategic Statement 2015-2031

4.5 The Local Strategic Statement (LSS) for WS&GB is the main vehicle for taking forward the Board's work on behalf of the LPAs. This sets out the long term Strategic Objectives and the Spatial Priorities for delivering these in the short to medium term.

4.6 In 2015 the 2013 LSS was updated and amended to reflect the change in the strategic area covered and to take account of local plan progress and implementation of the Greater Brighton City Deal. Evidence to inform the review was commissioned and completed by consultants Nathaniel Lichfield and Partners.

4.7 The updated Strategic Objectives cover the period 2015 to 2031 and the Spatial Priorities cover the period 2015-2025. The Board felt it was important to balance having an up to date and 'fit for purpose' strategic framework with the need to support the then current round of local plan reviews which were delivering the LSS priorities. The 2015 review was therefore managed as a focused 'refresh' rather than a full review. LSS2 sets out the long-term, integrated strategic planning and investment priorities for the WS&GB area, and supports the monitoring requirement of the Growth Deal. The LSS2 was approved in 2016. The first monitoring report was considered and approved in January 2016.

Local Strategic Statement Review

4.8 As part of the ongoing duty to cooperate and adoption process of authority local plans, it has been acknowledged by the constituent neighbouring authorities that a full further review of the LSS is needed to address the longer term housing, employment and infrastructure need issues across the sub region. This will require an up to date strategic evidence base to help the local authorities ensure that their approach continues to be in the best interests of the people that live and work in the area and provides a sustainable approach to growth. The review will have to address the continuing gap between objectively assessed housing needs and housing delivery in the sub-region and the continuing challenges around supporting sustainable economic growth and infrastructure investment.

4.9 In 2017, the Board commissioned further work to consider the geography of the Housing Market Areas (HMAs) and Functional Economic Market Areas (FEMAs) affecting the West Sussex and Greater Brighton area. The study, 'Defining the HMA and FEMA' (GL Hearn Feb 2017) identified three main housing market areas:

- A Chichester and Bognor Regis HMA, extending north to Midhurst;

- A Coastal Urban HMA, extending from Littlehampton and Newhaven and across the Downs to Steyning and Hassocks;
- A Horsham and Crawley HMA which includes East Grinstead, Haywards Heath, Burgess Hill, Billingshurst, Pulborough and Storrington.
- 'Overlap' areas have also been identified.

Three core Functional Economic Areas were identified, as follows:

- Coastal Urban FEMA – extending from Worthing to Newhaven and inland to Burgess Hill and Lewes;
- Crawley and Horsham FEMA – extending over a similar area to the HMA;
- Chichester and Bognor Regis FEMA – extending from Littlehampton to Nutbourne and north to Midhurst.

4.10 The Strategic Planning Board agreed in September 2017 to:

- robustly and creatively explore options for meeting the unmet needs across the Board area, starting by leaving 'no stone unturned' within the respective administrative boundaries for the period up to 2030 and for these options to inform Local Plan reviews;
- prepare a Local Strategic Statement 3 covering the period 2030 to 2050 with an appropriate level of stakeholder participation;
- to provide an evidence base for the preparation of a Local Strategic Statement 3.

4.11 In July 2018 the Board agreed the scope for the Background Topic Papers that would be required to provide the evidence base for the preparation of the Local Strategic Statement 3. It was agreed, the evidence base would need to include covering the following areas:

- A baseline of current growth proposals and an understanding of any shortfall in housing, employment and infrastructure provision;
- A common methodology for determining the 'no stone unturned' approach to identifying possible locations to meet any unmet need.
- The capacity of the Board area to absorb further growth in this period;
- The likely required level of growth between 2030 and 2050;
- An assessment of the strategic options available to deliver additional growth;
- The investment necessary (in infrastructure) to ensure the successful delivery of appropriate growth.

4.12 Along with scoping papers to commission evidence base work and a work programme the joint authorities Officers' Group has sought to recruit a Strategic Planning Advisor post to lead the work. A bid for Planning Delivery Funding, which would have accelerated the timetable for this work, was made in January 2018 but was not successful. Funding was agreed in 2019 both from the West Sussex Business Rates Pool and from other partner authorities in the Greater Brighton area to progress commissioning the work and was planned to take place in 2019.

4.13 Members agreed at the February 2019 Board meeting that preparing a Statement of Common Ground setting out the work of the Board on the LSS3 would be very positive. In July 2019 the Chief Executives and Leaders from across the sub region met to refresh their commitment to the work programme and to agree a range of more detailed recommendations to accelerate the preparation of the LSS3:

Recommendations

- i. To reconfirm continued support for the preparation of a Local Strategic Statement (LSS 3) in order to ensure that there is an up to date and robust evidence base to support the preparation of Local Plans;
- ii. To agree detailed revised governance arrangements to provide oversight of work being undertaken and ensure the momentum of the work;
- iii. To agree the revised funding and resources required to ensure effective preparation of the LSS3 and agree that additional Members (B&H CC and LDC) not currently paying a financial contribution to the work make an equivalent payment;
- iv. To agree to the preparation of a Statement of Common Ground signed by all parties which will be placed in the public domain; and
- v. To agree proposals to publish a progress update of this work

4.14 The Report set out the proposals to take sub-regional work forward and this was agreed by Chief Executives. It was also agreed at the July 2019 meeting that the Chief Executives would meet quarterly to discuss and progress sub-regional planning work.

4.15 These commitments were further endorsed at the 12th September 2019 meeting of the Board where it was agreed that a work programme to commission the evidence base for the LSS3 review and for the SoCG would be taken forward and progressed assisted by the recruitment of a Strategic Planner Advisor post.

4.17 The Board agreed that a range of evidence will be required to inform the preparation of the LSS3 and the identification of options to address unmet development needs. This is likely to include: a demographic trends analysis; an assessment of landscape sensitivity and constraints; an economic growth capacity study; an assessment of the potential transport impacts created by different development options and the identification of infrastructure required to address these impacts; an assessment of strategic social and community infrastructure; and work in relation to sustainability appraisal and Habitats Regulations Assessment. This may include strategic green infrastructure delivering valuable ecosystem services. Progress on preparing the Statement of Common Ground and work on LSS3 was delayed due to recruitment difficulties to find a suitable Strategic Planning Advisor.

4.18 Most recently in early 2021, a consultant has been appointed to produce the studies that will form the evidence base for the emerging LSS3 and the phased timetable for further studies will be set out in the Statement of Common Ground which will be appended to this Paper once it has been signed by all the constituent authorities.

4.18 The review will have to address the continuing gap between objectively assessed housing needs and housing delivery in the sub-region and the continuing challenges around supporting sustainable economic growth and infrastructure investment. Following this strategic work, further work will be required (potentially on a more localised basis) to address these and other matters in more detail.

5. Other ongoing Cooperation

Shoreham Harbour JAAP

5.1 Shoreham Harbour and the A259 coast road provide an important “gateway” into Brighton & Hove from the west. This area has a long history of cross-boundary working with the aim of regenerating the area.

5.2 A Leaders' Board consisting of the Leaders of the three local authorities and a representative from Shoreham Port Authority has overall responsibility for overseeing Shoreham Harbour regeneration. Underneath the Leader's Board is a Project Board on which officers of the three authorities and the Port Authority sit. Underneath the Project Board is a Planning Group. This is chaired by an officer from Brighton & Hove City Council and all three local authorities are represented along with the Environment Agency.

5.3 The Shoreham Harbour Joint Area Action Plan (JAAP) was submitted for examination in May 2018 and the Inspector's Report was published in August 2019. The JAAP was adopted on 24 October 2019

Waste and Minerals

5.4 The City Council has joint working arrangements with East Sussex County Council and the South Downs National Park Authority to produce waste and minerals plans. The adopted Waste and Minerals Local Plan consists of the Waste & Minerals Plan DPD (adopted in February 2013) and the Waste & Minerals Sites Plan DPD (adopted in February 2017). Work has commenced on a partial review of the Waste and Minerals Local Plan. Subject to approval of the pre-Submission Plan by the three authorities, Regulation 19 consultation is anticipated to start summer 2021. Duty to Cooperate issues associated with waste and minerals planning are covered in separate Duty to Cooperate Statements published at key stages of plan preparation.

Infrastructure

5.5 The City Council has cooperated with the city's major infrastructure providers to provide an updated Infrastructure Plan 2017 which is published as an annexe to the City Plan Part 1. This involved consultation with Utility Companies, Higher Education Establishments and GBMet; Brighton & Hove Clinical Commissioning Group and advisory consultation with neighbouring authorities. The Infrastructure Plan is due to be updated in 2021.

Coast to Capital LEP

5.6 The Coast to Capital Local Economic Partnership (LEP) extends north to Croydon, includes Chichester at its western end and Brighton & Hove and Lewes at its eastern end. Most recently, it has produced a Strategic Economic Plan (revised 2018). This sets out the scope for sustainable economic growth; investments and proposals for realising these ambitions. The priority in 2020 has been on how to stimulate post-crisis economic recovery at the local level.

Greater Brighton City Deal

5.7 The Greater Brighton City Deal, awarded in 2014, is formed by the local authorities of Brighton and Hove City Council, Adur District Council, Lewes District Council, Mid-Sussex District Council, Worthing Borough Council and East and West Sussex County Councils, working together. The Deal

transfers specific powers, funding and responsibilities to the local authorities in return for a commitment to support growth.

5.8 The Deal aims to enable the area to fulfil its economic potential and to become a high performing urban economy. The Deal focusses on a number of key areas to build on Greater Brighton's economic assets – its skilled workforce, its innovative businesses and its universities – and help the area move on from decades of economic underperformance.

Greater Brighton Economic Board

5.9 This was established in May 2014 as a joint committee which brings together the City Region's five local authorities, two universities, four FE colleges, three business partnerships, the LEP and the South Downs National Park Authority. The Board works on economic issues that affect the area and has responsibility for overseeing the Greater Brighton City Deal. Together with the CWS&GB Strategic Planning Board, it commissioned the three background papers (referred to in paragraph 4.9 above) in 2015 on the economy, housing and transport to develop a greater understanding of the economic geography of the area and formed part of the common evidence base to inform the refresh of the Local Strategic Statement (LSS2).

5.10 A total of approximately £90m was allocated to projects across the City Region from LGF Growth Deal rounds 1 & 2. This funding is supporting projects across the City Region ranging from flood defences in Shoreham and Newhaven, new buildings at the University of Brighton and Greater Brighton Metropolitan College, and transport infrastructure improvements in Burgess Hill and Worthing. These projects will deliver a total investment of approximately £376m into the City Region, unlocking an estimated 14,000 jobs, 8,200 homes and 450,000sqm of employment floor-space. A Five Year Strategic Priorities Plan was agreed by the board at the 29th January 2019 meeting. This Plan outlines a set of agreed and clear priorities for Greater Brighton and will form the basis of discussion with Coast-to-Capital, Government and other stakeholders.

5.11 At the July 2019 meeting of the Board, a list of projects and initiatives to support delivery of the priorities over the next five years was approved under five strategic themes: International, Creative, Connected, Talented and Resilient. Under the International theme projects approved have been the establishment of an inward investment resources and the development of a Greater Brighton 'Pitch for Place, place-making narrative. Under the Connectivity priority, activation of full-fibre infrastructure across the City Region has been identified as the key project, with a target to increase the number of residential and business premises utilising full fibre connection across the city region and maximising its potential to facilitate economic growth. There is also a focus on delivery of key infrastructure projects and unlocking key development sites across the City Region.

5.12 Progress continues to be made on the Greater Brighton Investment Programme and identified projects.

6. Conclusion

6.1 This Duty to Cooperate Statement has provided evidence of the ongoing and constructive co-operation and engagement with neighbouring authorities that has taken place since the CPP1 was examined and adopted in order to demonstrate compliance with the requirements of the Localism Act and the NPPF. Through the Greater Brighton Economic Board work has progressed to support the delivery of key infrastructure and key development site across the city region. However to date, neighbouring authorities have been unable to meet the city's housing and employment shortfall.

6.2 Whilst progress on the LSS3 has been slower than anticipated a Statement of Common Ground has been prepared by the constituent authorities in the WS&GB region and is in the process of being signed and this will highlight the on-going duty to cooperate activities and a timetable of future work programmed to address unmet needs through LSS3 which will provide an overarching framework for future local plan reviews. The City Plan Part 1 Review will commence late 2021 /2022 with adoption estimated in 2024.

6.3 This statement has also provided evidence on how the authority has sought as part of the City Plan Part 2 preparation to address the unmet gypsy and traveller need requirements. The council will continue to work closely with the SDNP to find solutions to addressing the need for additional pitches in the Brighton & Hove administrative area and this has been acknowledged in a Statement of Common Ground agreed between the two authorities.

Appendix 1 - List of Duty to Cooperate Consultees

Organisation	Nature of Cooperation
Local Authorities	
Adur District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18); • Formal Duty to Cooperate letter Gypsy and Traveller Accommodation needs August 2018 • Ongoing cooperation for the regeneration of Shoreham Harbour including production of a Joint Area Action Plan; • Ongoing discussions regarding cross-boundary issues through CWS&GB.
Arun District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Formal Duty to Cooperate letter Gypsy and Traveller Accommodation needs August 2018 • Ongoing discussions regarding cross-boundary issues through CWS&GB
Chichester District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Ongoing discussions regarding cross-boundary issues through CWS&GB
Crawley Borough Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Ongoing discussions regarding cross-boundary issues through CWS&GB.
Chichester District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Ongoing discussions regarding cross-boundary issues through CWS&GB
East Sussex County Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Joint minerals and waste planning • Ongoing engagement at LP Managers Group
Eastbourne Borough Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Ongoing engagement at LP Managers Group
Hastings Borough Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Ongoing engagement at LP Managers Group
Horsham District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Formal Duty to Cooperate letter Gypsy and Traveller Accommodation needs August 2018 • Meetings to discuss duty to cooperate issues • Ongoing discussions regarding cross-boundary issues through CWS&GB

Lewes District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18); • Formal Duty to Cooperate letter Gypsy and Traveller Accommodation needs August 2018 • Meeting to discuss joint draft allocation for land adjacent American Express Community Stadium, Falmer Way • Ongoing discussions regarding cross-boundary issues through CWS&GB • Ongoing engagement at LP Managers Group
Mid Sussex District Council	<ul style="list-style-type: none"> • Formal Consultation on CPP2 (Regulation 20) • Statement of Common Ground January 2020 • Formal Consultation on CPP2 (Regulation 19) • Formal consultation on CPP2 (Regulation 18); • Formal Duty to Cooperate letter Gypsy and Traveller Accommodation needs August 2018 • Updated Memorandum of Understanding February 2020 • Ongoing discussions regarding cross-boundary issues through CWS&GB
Rother District Council	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 19) • Formal consultation on CPP2 (Regulation 18); • Ongoing engagement at LP Managers Group
South Downs National Park Authority	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Statement of Common Ground – Gypsies and Travellers 2020 • Statement of Common Ground 2018 • Formal consultation on CPP2 (Regulation 18); • Joint GTT site assessment study etc; • Joint GTAA • Joint minerals and waste planning • Ongoing engagement at LP Managers Group.
Wealden District Council	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (Regulation 18); • Ongoing engagement at LP Managers Group;
West Sussex County Council	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (regulation 18); • Ongoing cooperation for the regeneration of Shoreham Harbour including production of a Joint Area Action Plan; • Ongoing discussions regarding cross-boundary issues through CWS&GB
Worthing Borough Council	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (regulation 18); • Ongoing discussions regarding cross-boundary issues through CWS&GB
Other Bodies Covered by the Duty	
Historic England	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (regulation 18); • Ongoing discussion regarding Madeira Terrace and Drive

	regeneration project
Environment Agency	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Cooperation on infrastructure provision through the updated Infrastructure Delivery Plan (IDP); • Formal consultation on CPP2 (regulation 18) • Cooperation in the production of a Strategic Flood Risk Assessment Update and draft SuDs SPD; • Ongoing cooperation for the regeneration of Shoreham Harbour including production of a Joint Area Action Plan.
Highways England	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation on CPP2 (Regulation 18) • Cooperation on the technical background Paper CPP2 and preparation of Statement of Common Ground ongoing • Cooperation on infrastructure provision through the 2017 IDP update;
Homes and Communities Agency	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (Regulation 18); • Ongoing cooperation for the regeneration of Shoreham Harbour including production of a Joint Area Action Plan
Marine Management Organisation	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (Regulation 18);
Natural England	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation on CPP2 (regulation 18); • Cooperation in the production of the HRA Screening and Appropriate Assessment
Primary Care Trusts	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal consultation with Brighton & Sussex University Hospitals NHS Trust, Brighton & Hove Clinical Commission Group NHS Property Services, South Downs NHS Trust; Sussex Partnership NHS Trust, South East Coast Ambulance and Brighton & Hove Integrated Care Service on CPP2 (regulation 18);
Coast to Capital Local Enterprise Partnership	<ul style="list-style-type: none"> • Formal consultation on CPP1 (Regulation 20) • Formal dialogue through Greater Brighton Economic Board
Sussex Local Nature Partnership	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Informal dialogue through County Ecologist/ Biosphere Officer
Parish Councils	<ul style="list-style-type: none"> • Formal consultation on CPP2 (Regulation 20) • Formal consultation CPP2 (regulation 18)

Appendix 2 Schedule of West Sussex and Greater Brighton Meetings 2016-2021

Duty to Cooperate Meeting	Date
WS&GB Strategic Planning Board	31 March 2021
WS&GB Planning Officers Group	5 February 2021
WS&GB Strategic Planning Board	9 October 2020
WS&GB Planning Officers Group	23 September 2020
WS&GB Planning Officers Group	22 nd July 2020
WS&GB Planning Officers Group	16 th January 2020
WS &GB Strategic Planning Board	12 th September 2019
WS & GB Planning Officers Group	2 September 2019
WS&GB Planning Officers Group	20 th May 2019
WS&GB Strategic Planning Board	18 th February 2019
WS&GB Planning Officers Group	14 th January 2019
WS&GB Strategic Planning Board	<i>26 November 2018 CANCELLED</i>
WS&GB Planning Officers Group	12 th November 2018
WS&GB Strategic Planning Board	23 rd July 2018
WS&GB Planning Officers Group	16 th July 2018
WS&GB Strategic Planning Board	April 30 th 2018
WS&GB Strategic Planning Board	January 29 th 2018
WS&GB Planning Officers Group	15 th January 2018
WS&GB Planning Officers Group	20 th November 2017
WS&GB Strategic Planning Board	4 th September 2017
WS&GB Planning Officers Group	21 st August 2017
<i>WS&GB Strategic Planning Board</i>	<i>22nd May 2017 CANCELLED</i>
WS&GB Planning Officers Group	8 th May 2017
WS&GB Strategic Planning Board	25 th April 2017
WS&GB Strategic Planning Board	6 th February 2017
WS&GB Planning Officers Group	23 January 2017
Coastal West Sussex & Greater Brighton Study stakeholder Event	6 January 2017
WS&GB Strategic Planning Board	27 th October 2016
WS&GB Planning Officers Group	3 rd October 2016
WS&GB Strategic Planning Board	18 th July 2016
WS&GB Planning Officers Group	4 th July 2016
WS&GB Strategic Planning Board	18 th April 2016
WS&GB Planning Officers Group	4 th April 2016
WS&GB Strategic Planning Board	18 th January 2016

Appendix 3 - Memorandum of Understanding Mid Sussex District Council and Brighton & Hove City Council

Mid Sussex District Council: Site Allocations Development Plan Document February 2020

Statement of Common Ground – Update to Memorandum of Understanding January 2016

Parties to the Agreement

The Agreement involves the following local planning authorities:

- Mid Sussex District Council
- Brighton and Hove City Council

Introduction

This Statement of Common Ground is an update to the Memorandum of Understanding signed in February 2016 between the Parties to the Agreement. More specifically its overall aim is to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the parties that includes planning for the identified cross-boundary strategic planning issues that exist and/or likely to arise resulting from the MSDC emerging Site Allocations Development Plan Document that has been published for 'Preferred Options' Consultation 9th October to 20th November 2019.

Current Position

Mid Sussex District Council adopted the District Plan (2014 – 2031) in March 2018. The District Plan identified a housing requirement for the district of 16,390 dwellings up to 2031. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings. The emerging Mid Sussex Sites DPD has four main aims, which are:

- To allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- To allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- To allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- To set out additional Strategic Policies necessary to deliver sustainable development.

The Site Allocations DPD policies are strategic and, once adopted, will form part of the Development Plan for the district,

The Site Allocations DPD proposes 22 housing site allocations and 7 employment site allocations to ensure that the housing and employment requirements as identified by the District Plan are met in full.

The Sites DPD has been informed by a comprehensive suite of technical evidence, including Sustainability Appraisal and Habitats Regulations Assessment.

Brighton & Hove

Brighton & Hove City Council adopted the City Plan Part One March 2016. This Part One plan sets out strategic objectives and the strategic amounts of development to be delivered over the plan period to 2030. It also identifies broad development areas where new development should be focussed with 22 strategic site allocations.

The Part One plan sets a housing provision target to deliver a minimum of 13,200 new dwellings over the period 2010- 2030 (660 net dwellings per annum). This figure falls well short of the city's objectively assessed housing needs (OAN) which were assessed in 2015 as 30,120 net dwellings (1,506 net dwellings per annum), which reflects the constraints affecting the city. As part of the examination of the plan, the inspector required the Council to undertake further detailed work to assess more rigorously all opportunities to meet the city's housing need, including detailed studies to assess the potential for housing development on the urban fringe. As a result of this work, the CPP1 housing provision was increased from 11,300 to 13,200 homes. However, there remains a significant unmet housing need with the City Plan providing for only 44% of the estimated OAN.

The objectively assessed needs for employment floorspace established in the adopted City Plan Part 1 indicate a positive requirement for 112,240 sq m of office (B1a B1b) floorspace and 43,430 sq m of industrial floorspace over the plan period. This reflects the role of the city as a regional employment centre. As with housing, opportunities to meet the city's employment space requirements are extremely constrained due to the limited supply of suitable sites and it was not possible to address all the forecast employment floorspace requirements through the City Plan Part 1. Given the strong functional relationship between the city and the wider Greater Brighton City Region, a coordinated approach with Greater Brighton City Region partners may be required to help address this shortfall through future local plan reviews.

Work on the preparation of the Part Two of the City Plan (site allocations and development management policies) has progressed through Regulation 18 and the Part Two plan is currently scheduled to be submitted for examination Autumn 2020 with consultation through Regulation 19 taking place May/June 2020.

Strategic Planning Issues

The following strategic/ cross-boundary planning issues have been identified that relate to the Mid Sussex Site Allocations DPD and the parties:

1. Housing Provision

Mid Sussex District Council adopted the District Plan (2014 – 2031) in March 2018. The District Plan identified a housing requirement for the district of 16,390 dwellings up to 2031. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

One of the aims of the Sites SPD is to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan. District Plan policy DP4:Housing indicates that, as at 1st April 2017, there was a residual amount of 2,439

dwellings to be allocated through future Neighbourhood Plans and the Site Allocations DPD. This residual amount has been updated as at 1st April 2019, and is now 1,507 dwellings.

Policy SA11: Additional Housing Allocations of the Site Allocations DPD proposes to allocate 22 housing sites, that will deliver around 1,962 dwellings. This amount ensures the residual is fully met and provides a reasonable over-allocation to provide flexibility.

The parties agree that the Site Allocations DPD is seeking to allocate sufficient sites to ensure the housing requirement for Mid Sussex as set out in the 2018 adopted District Plan is met in full. The Site Allocations DPD does not seek to revisit the Spatial Strategy set out in the District Plan. The Parties agree these allocations do not raise any cross-boundary issues and offer an opportunity to make a positive contribution to delivering sustainable residential development.

2. Employment Provision

Updated employment evidence, commissioned by Mid Sussex District Council to take account of the recent employment forecast statistics, identified that a total requirement of around 35 to 40 hectares is needed up to 2031. As 25 hectares employment land had already been allocated at Burgess Hill, within District Plan Policy DP1, this leaves a residual requirement of 10 -15 hectares to be allocated within the Site Allocations DPD.

The Sites DPD Policy SA1: Sustainable Economic Development – Additional Site Allocations allocates six new sites for employment use, plus an expansion one site, totalling approximately 17ha.

District Plan policy DP1:Sustainable Economic Development identifies a broad location for a Science and Technology Park to the west of Burgess Hill. A site for to the north of the A2300 has been identified as the preferred option. Policy SA9: Science and Technology Park allocates the site.

The allocation of 17ha employment space and the identification of the location for the Science and Technology Park will also support employment growth in the Greater Brighton City Regional area, ensuring economic activity is retained in the region.

The Parties agree these allocations do not raise any adverse cross-boundary issues and offer an opportunity to make a positive contribution to delivering sustainable economic development.

Liaison

The parties have engaged on an ongoing basis during the preparation of the Site Allocations DPD. Specific engagement has taken place at key stages during plan preparation including revision of the methodology for identifying sites for potential allocation, including for the Strategic Housing and Employment Land Availability Assessment (SHELAA) and for site selection, and during preparation of the Draft Plan at 'Preferred Options' (Regulation 18) stage.

Conclusion

Brighton and Hove City Council and Mid Sussex District Council agree that they have engaged on an ongoing basis during the preparation of the Site Allocation DPD and on this basis that the Duty-to-Cooperate has been met.

Brighton and Hove City Council and Mid Sussex District Council will continue to work together with a view to confirming that there are no areas of disagreement between the parties relating to the emerging Site Allocations DPD and will continue to work together on the areas of ongoing work discussed in this Statement of Common Ground.

<p>Signed:</p>  <p>Dated: 13/02/2020</p>	<p>Signed:</p>  <p>Dated: 24/02/2020</p>
<p>Cllr Nick Childs Lead Member for Planning Policy Brighton and Hove City Council</p>	<p>Cllr Andrew MacNaughton Cabinet Member for Housing and Planning Mid Sussex District Council</p>

Appendix 4 Duty to Cooperate Statement of Common Ground – BHCC and South Downs National Park Authority



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 Statement¹, 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 1 below:

Table 1: Housing supply and need in the Brighton & Hove part of the South Downs National Park

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

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

² South Downs HEDNA 2017 (Table 4)

³ The difference between SDNP OAN and SDNP annualised provision (previous two columns)

⁴ Brighton & Hove figure derived from the City Plan Part One

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

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

⁷ 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

¹ 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 2016.² 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.³

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 2014⁴ 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 Assessments⁵ 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 assessment⁶ 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

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

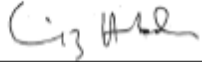
³ <https://coastalwestsussex.org.uk/wp-content/uploads/2014/02/FINAL-CWS-SPB-MoU-Feb-2014-Final-Signed.pdf>

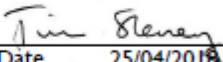
⁴ Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, November 2014, University of Salford

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

⁶ 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	
	
Date	25/04/2018
Position	Director of Planning

South Downs Centre, North Street,
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Chief Executive: Trevor Beattie

Appendix 5 – Statements of Common Ground Gypsies and Travellers

Two Statements of Common Ground have been agreed with neighbouring authorities with regard to the issue of gypsy and traveller pitch provision. Firstly, a SOCG agreed by Brighton & Hove City Council (BHCC) and the South Downs National Park Authority (SDNPA), and secondly a further SOCG agreed by BHCC, the SDNPA, Adur-Worthing Councils, Horsham District Council, Lewes District Council and Mid Sussex District Council. The SOCGS are included below:

Statement of Common Ground 1 Gypsies and Travellers

1. List of Parties Involved

1.1 This Statement of Common Ground (SOCG) is a jointly agreed statement between Brighton & Hove City Council and the South Downs National Park Authority.

1.2 The purpose of this SOCG is to set out how the parties have actively and positively worked together to meet the requirements of the Duty to Cooperate with regard to gypsy and traveller issues. It reflects the agreed position between the parties.

2. Signatories

Authority	Name	Position
Brighton & Hove City Council	Liz Hobden	Head of Planning
South Downs National Park Authority	Lucy Howard	Planning Policy Manager

3. Strategic Geography

3.1 The SOCG geography covers the administrative area of Brighton & Hove, including that part which falls within the South Downs National Park. Henceforth this is referred to as the 'SOCG Area'. The South Downs National Park Authority (SDNPA) is the statutory local planning authority for the area falling within the South Downs National Park, and the City Council is the statutory planning authority for the rest of the area. Brighton and Hove City Council are responsible for all other statutory local authority functions in the whole of the SOCG Area, including as Local Housing Authority.



4. Strategic Matters

4.1 This SOCG relates to the provision of permanent gypsy and traveller pitches within the SOCG Area over the City Plan period.

Context

4.2 A Gypsy and Traveller Accommodation Assessment (GTAA) produced jointly by the authorities in 2014 indicated an assessed need for new permanent traveller pitches over the period 2013/14 – 2027/28 as follows:

Table 1 – Previous assessment of need 2013/14 – 2027/28 (GTAA, 2014)

Status	Brighton & Hove LPA area	SDNP LPA area within Brighton & Hove
Residential need 2013/14 – 2017/18	15	8
Residential need 2018/19 – 2022/23	2	2
Residential need 2023/24 – 2027/28	2	3
Total residential need 2013/14 – 2027/28	19	13

4.3 This need was in addition to the 12 permanent pitches constructed at St. Michael’s Lane, Horsdeane. There was no need identified for travelling showpeople.

4.4 To seek to address this requirement through the Brighton & Hove City Plan Part Two, a joint site search exercise was undertaken by BHCC and the SDNPA in 2016-17 covering the SOCG Area to establish to what extent the need for new traveller pitches might be met through site allocations. No suitable and available sites were identified through this process.

4.5 A Duty to Cooperate process was therefore undertaken with neighbouring authorities. Formal requests were made in 2018 to all authorities bordering Brighton & Hove’s administrative boundary¹⁹ to ascertain whether and to what extent they were able

¹⁹ Adur-Worthing, Horsham, Lewes and Mid Sussex.

to provide additional pitches to assist in meeting any of the unmet need within the SOCG Area.

4.6 This process did not identify any neighbouring authorities that were able to assist in meeting the unmet need arising at that time. Further information on this process is set out in a separate SOCG agreed between Brighton & Hove and those authorities.

GTAA Update 2019

4.7 The GTAA has been updated, with research and fieldwork undertaken in February - April 2019, to gain an up-to-date understanding of the current and future need for pitches and reflect the following factors:

- The time elapsed since the research for the previous study was undertaken
- The new definition of traveller as set out in the Government’s Planning Policy for Gypsies and Travellers (2015);
- The delivery and opening of the site at St. Michael’s Way, Hove which provides 12 permanent pitches
- Changing patterns of unauthorised encampments in and around the city; particularly as a consequence of the delivery of permanent pitches at Hove as detailed above.

4.8 The Assessment covers the administrative area of Brighton & Hove including that part located within the South Downs National Park Authority area. This approach reflects CPP1 Policy CP22 which includes provision for an updated target to be identified through a revised assessment of traveller accommodation needs, and further states that the Council will review traveller accommodation needs to cover the remaining plan period to 2030.

4.9 The revised assessment of need is set out in Tables 2 and 3 below.

Table 2 – Additional need for Gypsy and Traveller households in Brighton & Hove (excluding SDNP) (2019-34)

Status	Brighton & Hove LPA area	SDNP LPA area within Brighton & Hove
Meet Planning Definition	0	11
Undetermined	0	0
Do not meet Planning Definition	10	33

Table 3 – Additional need for Gypsy and Traveller households in Brighton & Hove (excluding SDNP) that met the Planning Definition by year periods

Years	0-5	6-10	11-15	Total
	2019-24	2024-29	2029-34	
Brighton & Hove LPA area	0	0	0	0
SDNP LPA area within Brighton & Hove	6	2	3	11

4.10 There was no need identified for travelling showpeople.

4.11 The study found that there is no need for any additional permanent public transit provision. However, given that there are some seasonal increases in the number of unauthorised encampments during the summer months, it was recommended that the Council consider the provision of some additional short-term seasonal provision.

5. *Agreed Position Between the Parties*

1. There is an identified need for 11 additional pitches for households that meet the planning definition within the South Downs National Park area of Brighton & Hove, and 0 additional pitches within the city outside the SDNP.

2. The allocation of the identified pitch requirements for travellers who meet the planning definition to the SNDP LPA area stems largely from the geographical location of the Horsdean site (within the National Park) which is in close proximity to the built up area of Brighton & Hove and within the Brighton & Hove administrative area. The site was initially developed as a transit site to help address incidents of unauthorised encampments within and around the city and then later it was further developed to provide a proportion of permanent pitches.

3. Both parties have worked positively together in attempting to identify new sites for permanent pitches within their respective areas through undertaking a joint site search exercise.

3. Both parties will continue to work constructively and jointly to address the need for new permanent pitches that has been identified in the updated GTAA as part of their respective plan-making processes.

4. No neighbouring authorities have currently indicated any ability to assist in meeting the unmet need as set out in the updated GTAA.

5. The need for households who did not meet the planning definition will be addressed as part of general housing need through the parties' respective Local Plans.

6. *Governance, Timetable for Review and ongoing cooperation*

6.1 Appropriate officers of each Party to this Statement will continue to liaise formally through correspondence and meetings as and when required. Formal consultation at appropriate stages of the plan making process will also continue.

6.2 Existing structures that facilitate regular formal strategic cooperation between the authorities include:

	Purpose of Group
Coastal West Sussex Strategic Planning Board	To identify and manage spatial planning issues that impact on more than one local planning area across the Coastal West Sussex and Greater Brighton area
East Sussex Local Plan Managers Group	To enable planning policy officers from East Sussex authorities, including Brighton & Hove, to meet regularly to consider cross-boundary issues

6.3 This Statement will be reviewed at each stage of the City Plan Part Two preparation, and whenever a material change of circumstance has occurred. Specific matters which could require updates of this SoCG include the following:

- Modifications to the Brighton & Hove City Plan Part Two resulting from its independent examination (anticipated in June/July 2019);
- Updates to evidence which shows changes in the pitch requirements for either party;
- Progress on the identification of site(s) for additional permanent pitch provision.

6.4 The South Downs Local Plan was adopted on 2 July 2019 and is currently due for review within five years of this date, in line with national guidance.

Statement of Common Ground 2

Gypsies and Travellers

List of Parties Involved

This Statement of Common Ground (SOCG) is a jointly agreed statement between Brighton & Hove City Council and neighbouring planning authorities:

- Adur-Worthing Councils
- Horsham District Council
- Lewes District Council
- Mid Sussex District Council
- South Downs National Park Authority

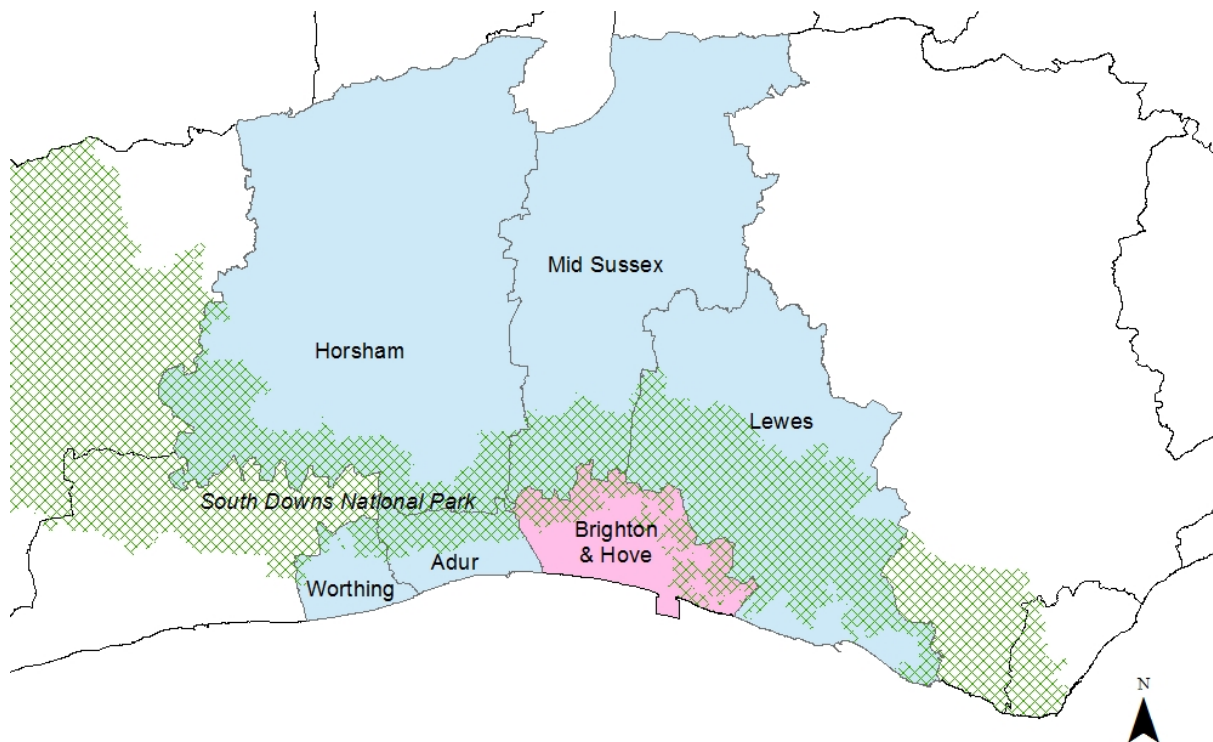
The purpose of this SCG is to set out how BHCC and neighbouring authorities have actively and positively worked together to meet the requirements of the Duty to Cooperate with regard to gypsy and traveller issues. It reflects the agreed position between the parties.

Signatories

Authority	Name	Position
Adur-Worthing Councils	James Appleton	Head of Planning and Development
Brighton & Hove City Council	Liz Hobden	Head of Planning
Horsham District Council	Catherine Howe	Head of Strategic Planning
Lewes District Council	Tondra Thom	Planning Policy Lead - Lewes District & Eastbourne Borough Councils
Mid Sussex District Council	<i>Cllr Andrew MacNaughton</i>	Cabinet Member for Housing & Planning
South Downs National Park Authority	Lucy Howard	Planning Policy Manager

Strategic Geography

The SOCG geography covers Brighton & Hove and adjacent districts and boroughs, including that part of the South Downs National Park that lies within the respective local authority areas.



Map 1: Strategic Geography of the Statement of Common Ground



Map 2: Inset Map showing South Downs National Park Area within Brighton & Hove

Strategic Matters

This SOCG relates to the provision of permanent gypsy and traveller pitches within Brighton & Hove administrative area over the City Plan period.

A Gypsy and Traveller Accommodation Assessment (GTAA) produced jointly by BHCC and the South Downs National Park Authority (SDNPA) authorities in 2014 indicated an assessed need for new permanent traveller pitches over the period 2013/14 – 2027/28 as follows:

Table 1 – Previous assessment of need 2013/14 – 2027/28 (GTAA, 2014)

Status	Brighton & Hove LPA area	SDNP LPA area within Brighton & Hove
Residential need 2013/14 – 2017/18	15	8
Residential need 2018/19 – 2022/23	2	2
Residential need 2023/24 – 2027/28	2	2
Total residential need 2013/14 – 2027/28	19	13

This need was in addition to the 12 permanent pitches constructed at St. Michael’s Lane, Horsdean. There was no need identified for travelling showpeople.

To seek to address this requirement, a joint site search exercise was undertaken by BHCC and the SDNPA in 2016-17 covering the administrative area of Brighton & Hove (i.e. including part of the South Downs National Park) to establish to what extent the need for new traveller pitches might be met through site allocations. No suitable and available sites were identified through this process.

A Duty to Cooperate process was therefore undertaken with neighbouring authorities in response to the current unmet need within the City Council’s administrative area. Formal requests were made in summer 2018 to all authorities bordering Brighton & Hove’s administrative boundary to ascertain whether and to what extent they were able to provide additional pitches to assist in meeting the need within BHCC.

No neighbouring authorities were able to assist in meeting the unmet need arising within Brighton & Hove at that time.

Information received is set out in Table 2 below.

Table 2: Information received from Neighbouring LPAs regarding pitch requirements

LPA		Pitch Requirement	Local Plan Allocations	Unmet Need
Adur		6	4	2
Horsham (outside SDNP) ²⁰		-	29	-
Lewes (outside SDNP)		5	5	0
Mid Sussex (outside SDNP)		23	23	0
South Downs National Park	Area within Horsham	0	0	0
	Area within East Sussex (Lewes,	6	5	1

²⁰ Additional pitch requirements for Horsham District are currently being updated.

LPA		Pitch Requirement	Local Plan Allocations	Unmet Need
	Eastbourne, Wealden)			
	Area within Mid Sussex	0	0	0
Worthing		0	0	0

In response to this outcome BHCC commissioned an updated Gypsy and Traveller Accommodation Needs Assessment to gain an up-to-date understanding of the current and future need for pitches and reflect the following factors:

- The time elapsed since the research for the previous study was undertaken
- The new definition of traveller as set out in the Government’s Planning Policy for Gypsies and Travellers (2016);
- The delivery and opening of the site at St. Michael’s Way, Hove which provides 12 permanent pitches
- Changing patterns of unauthorised encampments in the city.

The Assessment covers the administrative area of Brighton & Hove including that part located within the South Downs National Park Authority area. This approach reflects CPP1 Policy CP22 which includes provision for an updated target to be identified through a revised assessment of traveller accommodation needs, and further states that the Council will review traveller accommodation needs to cover the full plan period to 2030.

The revised assessment of need is set out in Table 3 below:

Table 3 – Additional need for Gypsy and Traveller households in Brighton & Hove (excluding SDNP) that met the Planning Definition by year periods

Years	0-5	6-10	11-15	Total
	2019-24	2024-29	2029-34	
Brighton & Hove LPA area	0	0	0	0
SDNP LPA area within Brighton & Hove	6	2	3	11

Following this reassessment neighbouring LPAs were again contacted for any changes in the previously stated positions, however there was no change in the previously stated positions, i.e. that they were not able to assist with any unmet needs arising outside their areas.

Agreed Position Between all Parties

1. There is a need for 11 additional pitches for households that met the planning definition within the South Downs National Park area of Brighton & Hove, and 0 additional pitches within the city outside the SDNP.

2. No neighbouring authorities are currently in a position to assist with meeting the unmet requirement for 11 pitches originating from the SDNP LPA area within Brighton & Hove.

3. There are no available sites elsewhere in the South Downs National Park to assist in meeting the unmet requirement for 11 pitches originating from the SDNP LPA area within Brighton & Hove.

Governance, Timetable for Review and ongoing cooperation

Appropriate officers of each Party to this Statement will continue to liaise formally through correspondence and meetings as and when required. Formal consultation at appropriate stages of the plan making process will also continue.

Existing structures that facilitate regular strategic cooperation include:

Group	Relevant Authorities
West Sussex and Greater Brighton Partnership Board	Adur-Worthing, Brighton & Hove, Horsham, Lewes, Mid Sussex, South Downs
East Sussex Local Plan Managers Group	Brighton & Hove, Lewes, South Downs
East Sussex Strategic Members Group	Brighton & Hove, Lewes, South Downs

The Statement will be reviewed at each stage of the City Plan Part Two preparation, and whenever a material change of circumstance has occurred. Specific matters which could require updates of this SoCG include the following:

- Modifications to the Brighton & Hove City Plan Part Two resulting from its independent examination;
- Updates to evidence which shows changes in the pitch requirements or availability of potential sites.

Appendix 6 –Request and Reponses to Duty to Cooperate Request Gypsies and Traveller Pitch Provision

First Request sent 2/8/18

Dear Head of Planning

Gypsy and Traveller Pitch Provision - Duty to Cooperate request

This letter represents a Duty to Cooperate request to assess the extent to which the unmet need within the Brighton & Hove’s City Plan area may be accommodated within authorities’ administrative areas.

Brighton & Hove City Council is currently producing the [City Plan Part Two](#), and a draft Plan is currently subject to a public consultation until 13th September 2018.

[City Plan Part One](#) was previously adopted by the Council in March 2016. Policy CP22 of Brighton & Hove City Council (BHCC)’s City Plan Part One relates to Traveller Accommodation. The policy sets out that the council will seek to deliver 18 permanent pitches to meet assessed requirements to 2019. This figure was established through the Partial Review of the South East Plan process (2007 – 2010) which indicated a need for 16 pitches to be provided in Brighton & Hove by 2016, and extrapolated to 18 by 2019 using a 3% per annum pitch need growth rate. The 12 pitches at Horsdean contribute towards this need. The policy also states the council will review needs to cover the remaining plan period to 2030, and includes criteria by which any planning application would be judged.

The City Council undertook a joint Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment with the South Downs National Park Authority (SDNPA), which was published in November 2014. The primary purpose of that report was to provide an updated evidence base and to inform the future development of planning policies through Local Plans. The assessment analysed need for further traveller pitches as it stood in February 2014 in addition to those provided at Horsdean, and presented the projection of requirements for the following five year planning periods:

	Brighton & Hove LPA Area	SDNP LPA area of Brighton & Hove	Travelling Showpeople Need
Residential need 2013/14 – 2017/18 (pitches)	15	8	0
Residential need 2018/19 – 2022/23 (pitches)	2	2	0
Residential need 2023/24 – 2027/28 (pitches)	2	2	0
Residential need 2013/14 – 2027/28 (pitches)	19	13	0

Table 1: Assessed need for new residential pitches in the area over the period to 2027/28

To seek to address the requirement for new permanent pitches, the City Council has undertaken a joint site search exercise with the South Downs National Park Authority in an attempt to identify sites within the administrative area of Brighton & Hove, including part of the National Park, which could be suitable for allocation in CPP2. This exercise did not identify any suitable and available sites. The process undertaken is set out in two background documents which are available on the City Plan Part Two webpage²¹.

The Council remains supportive of proposals for new pitches coming forward and any planning applications for such development will be judged against the criteria in City Plan Part One Policy CP22. Moving forward, the Council is keen to progress discussions on this issue at a sub-regional level through the development of Local Strategic Statement 3.

However, as gypsy and traveller pitches represents a strategic unmet need which the City Council is unable to accommodate within its own boundaries, this letter represents a Duty to Cooperate request to assess the extent to which the unmet need within the City Plan area may be accommodated within other authorities' administrative areas.

Please may I have a response from your authority by Friday, 31st August setting out whether your authority is able to assist in meeting Brighton & Hove's unmet need. If your authority is not able to assist please also provide links to supporting evidence to justify this position.

If this is not possible or if you have any issues that you would like to discuss please contact Steve Tremlett, Principal Planning Officer on (01273) 292108 or steve.tremlett@brighton-hove.gov.uk who would be pleased to discuss any issues you have with this request.

Yours sincerely

Liz Hobden
Head of Planning

[Second Request Sent 22/8/19](#)

From: Steve Tremlett
Sent: 22 August 2019 10:33 AM
To: ldf
Subject: RE: Gypsy and Traveller Pitch Provision - Duty to Cooperate Request

Dear XXX

You may recall that Brighton & Hove contacted neighbouring authorities including yourselves in August 2018 with a request to assess the extent to which the unmet need for permanent traveller pitches within the Brighton & Hove's City Plan area may be accommodated within other authorities' administrative areas. No other authorities were able to assist at that time. Since then the City Council has commissioned an updated GTAA to gain an up-to-date understanding of the current and

²¹ <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-background-studies-topic-papers>

future need for pitches as the previous iteration dates from 2014. The updated assessment has concluded the following with regard to the need for permanent pitches for travellers meeting the planning definition over the 15 year period to 2034 (draft report attached to this email).

Status	Brighton & Hove LPA area	SDNP LPA area within Brighton & Hove
Meet Planning Definition	0	11
Undetermined	0	0

Although the need has been allocated to the SDNP area of Brighton & Hove, this largely stems from the geographical location of the existing Horsdean site (within the National Park) which is in close proximity to the built up area of Brighton & Hove and within the city's administrative area. BHCC and the SDNPA have agreed to continue to work jointly to address to unmet need.

As we approach the Publication stage of City Plan Part Two (expected to be agreed in November this year for consultation in early 2020), I would like to ensure that Lewes's position on this issue remains as set out in your email below. Could you confirm if this is the case, and let me know of any changes in circumstance?

We would also like to agree a Statement of Common Ground on this issue. I have drawn up a draft (attached) which is predicated on the situation remaining the same as last year in that no authorities are able to assist with the unmet need. I would be grateful if you could review this and let me have any comments.

Kind regards

Steve

Responses to First Request²²

Dear Steve,

Thank you for your letter regarding pitch provision. Lewes district assessed need is for 13 additional permanent pitches, 8 within the SDNP and 5 within Lewes District outside the SDNP. The SDNPA is making provision for 5 additional pitches through proposed allocations within their Local Plan (currently at examination). Therefore there is an outstanding requirement for 8 pitches to be found.

As part of Local Plan Part 2 plan preparation (reg 18) in November 2017-Jan 2018 Lewes District Council ran a [call for sites](#) for pitches and received no submissions. Consequently we looked at all filtered SHLAA sites to establish suitability and availability for pitch provision, but this did not yield any potential sites. We have also looked at council owned land to establish potential sites, with no suitable sites identified.

²² Horsham District Council's position of being unable to assist with the unmet need was communicated verbally at a meeting in Hove on 28 February 2019.

We are currently pursuing one further line of enquiry that may allow us to allocate a site in the Pre-Submission LPP2 (to be published this Autumn). This has the potential to meet the LPP2 requirement for 5 pitches within the district lying outside the SDNP but would still leave an unmet need of 3 within Lewes District within the SDNP.

Therefore I can confirm at this time that it will not possible to meet any of Brighton's unmet need within Lewes District at this time. You may of course be aware that like CPP1, our Joint Core Strategy, Local Plan Part 1 contains criteria for judging applications for pitches that may come forward, although I can confirm that to date none have done so.

We would also be supportive of sub-regional discussions on this matter through the development of Local Strategic Statement 3.

Kind regards,

Tondra Thom

Planning Policy Manager
Lewes District and Eastbourne Borough Councils
Tel: 01273 085677 or 01323 415677
Mobile: 07824 596 985
E: tondra.thom@lewes-eastbourne.gov.uk
W: lewes-eastbourne.gov.uk

Liz Hobden
City Development and Regeneration
Brighton & Hove City Council
First Floor
Hove Town Hall
Hove
BN3 3BQ
Our Ref: JA/lja
Your Ref: 30th August 2018

Dear Liz,

Gypsy and Traveller Pitch Provision – Duty to Co-operate Request

Thank you for your letter of 2nd August, which set out your formal request for assistance in meeting Brighton and Hove's need for Gypsy and Traveller pitches. We note the work Brighton & Hove City Council, together with the South Downs National Park Authority, have undertaken in order to establish the need for Gypsy and Travellers within Brighton and Hove and to assess potential opportunities to meet it. Unfortunately, Adur and Worthing Councils are not in a position to assist and I set out below why this is the case.

Adur has a small, settled Gypsy and Traveller community on a public site comprising of 12 pitches (Withy Patch). There is currently an identified need to provide four additional

pitches for Gypsies and Travellers up to 2027 (Coastal West Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment 2013, updated 2014). The Council intends to meet this need through the relocation and extension of the public Gypsy and Traveller site at Withy Patch in Lancing. This is to be achieved as part of the development of a strategic allocation at New Monks Farm, Lancing. The new infrastructure associated with this development will necessitate the relocation of the Withy Patch site within the locality. This relocation provides an opportunity to address the additional need for four pitches through an extension to this site but the scope to extend this site further is limited due to physical constraints not least the proximity to Brighton City Airport.

The GTAA is currently being updated to cover the period 2018 - 2036, partly in response to the new planning definition of Travellers in Planning Policy for Gypsies and Travellers published in 2015. Taking account of this new definition, provisional findings indicate that Adur has a need for 6 additional pitches for Gypsies and Travellers who meet the planning definition; up to 2 additional pitches for unknown households and 17 additional pitches for those who do not meet the planning definition.

Taking into account the 4 additional pitches planned to be provided at New Monks Farm, Lancing (planning application submitted but yet to be determined), Adur has an indicative need to provide a minimum of 2 additional pitches based on the planning definition, and up to 21 inclusive of unknown households and those who do not meet the planning definition. There are limited opportunities to meet this additional need given the lack of land in Adur and you will be aware that our adopted Local Plan falls well below the Districts future housing need (OAN).

There have been no Gypsy or Traveller sites identified within Worthing. Therefore, there is no current or future need for pitches or plots in Worthing. The Coastal West Sussex Authorities and South Downs National Park Authority Gypsy Traveller and Travelling Showpeople Sites Study 2013, whilst acknowledging that there was no identified need in Worthing, did identify 2 potentially suitable sites within the Borough. At the time of the study it was acknowledged that work was being undertaken by the Council to address future housing needs and that this could impact on the availability of these 2 sites. This work has now been undertaken as part of the emerging draft Worthing Local Plan and it is proposed to allocate these 2 sites for residential development to help meet identified housing needs.

I agree with you that this matter needs to be addressed through the development of Local Strategic Statement 3, and I look forward to continuing to work with you and other District and Boroughs to ensure these identified needs can be met.

Yours sincerely
James Appleton
Head of Planning and Development
Tel: 01903 221333
e-mail: james.appleton@adur-worthing.gov.uk

Dear Ms Hobden,

Brighton City – Gypsy and Traveller Pitch provision – Duty to Cooperate request

Thank you for your email dated 2 August 2018, in which you asked us to advise on our ability to meet Brighton's unmet need for Gypsy and Traveller Pitches. I note that you also ask us to provide links to support our position, if we are unable to assist.

I confirm that Mid Sussex is unfortunately not able to assist with meeting the unmet need of 19 pitches that you identify in your letter. Below, I set out the reasons for this, by summarising the work which has been done to establish the need for pitches in Mid Sussex, and then the current supply position, providing links to the relevant evidence documents.

In 2013, the Council produced a Mid Sussex Gypsy, Traveller and Travelling Showpeople Assessment, which was updated in 2016: <https://www.midsussex.gov.uk/media/2659/mid-sussex-gypsy-and-traveller-assessment-report-2016.pdf>, to reflect the revised guidance set out in the Planning Policy for Traveller Sites (PPTS) in August 2015. The PPTS included a change to the definition of Travellers for planning purposes. The assessment set out a clear methodology for the identification of the District's need for Gypsy and Traveller pitches.

This assessment identified:

- No need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031;
- The need to accommodate 23 households for settled Gypsies, Travellers for the period up to 2031; and
- No need to provide sites for Travelling Showpeople who no longer travel.

A public consultation was held on a draft Traveller Sites development plan in 2014: <https://www.midsussex.gov.uk/media/2662/traveller-sites-development-plan-consultation-draft.pdf>. This work was informed by a Traveller Sites Study (2014), which assessed 162 sites in the District for their potential use for Gypsy and Traveller pitches.

The consultation sought the public's views on two possible sites; one at Imberhome Lane, East Grinstead and one on the Northern Arc at Burgess Hill. The Imberhome Lane site was subsequently found not to be deliverable, for a range of technical reasons, including contamination and viability. The site at Northern Arc was being promoted as part of the wider

strategic site, through the District Plan. On this basis, work on the Traveller Sites development plan was not progressed in 2014.

Mid Sussex District Council adopted the District Plan 2031 in March 2018. District Plan Policy DP33 requires that on three strategic sites (North and north-west of Burgess Hill, Land to the east of Pease Pottage and Land to the North of Clayton Mills), land will be allocated for Gypsy and Traveller pitch provision, to contribute towards the additional total identified need within the District, or the provision of an equivalent financial contribution towards the off-site provision of pitches will be made.

To date, none of the 23 pitches required have been delivered in the District. We are expecting to receive a planning application very shortly for 10 pitches, but even if this is granted permission and delivered, this still leaves a shortfall of 13 pitches in the District.

I am sorry that we are not able to be more helpful at this stage, but hope the above information clearly sets out the fact that at present we are finding it challenging to meet our own need, and there is no surplus provision, to meet unmet need from neighbouring authorities.

Regards,

Lois Partridge
Business Unit Leader Planning Policy and Economy

[Responses to Second Request \(September 2019\)](#)

From: James Appleton [mailto:james.appleton@adur-worthing.gov.uk]

Sent: 18 September 2019 3:25 PM

To: Steve Tremlett
Subject: Re: FW: Gypsy and Traveller Pitch Provision - Duty to Co-operate Request

Hi Steve

I can confirm that the Adur-Worthing position remains as set out in my letter to you. The only update is that the draft GTAA referred to is now a final document dated April 2019. Here is the link:

<https://www.adur-worthing.gov.uk/media/media,154274,en.pdf>

I am happy with the proposed SoCG.

Regards James

James Appleton

Head of Planning and Development, Adur & Worthing Councils
Phone: 01903 221333
Email: james.appleton@adur-worthing.gov.uk
Website: www.adur-worthing.gov.uk
Address: Economy, Portland House
Richmond Road
Worthing
West Sussex

From: Mark.McLaughlin [mailto:Mark.McLaughlin@horsham.gov.uk]
Sent: 04 October 2019 9:24 AM
To: Steve Tremlett; Catherine.Howe; Matt.Bates
Subject: Brighton & Hove Gypsies & Travellers DTC

Dear Steve,

Further to your email below, I apologise for the delay in responding to you on the issue of Gypsies and Travellers.

I can confirm that our position with regards to being unable to meet any of your unmet need remains the same, as I communicated verbally to your colleagues on 28th February 2019.

Since that meeting, we have instructed ORS to carry out an updated Gypsy & Traveller Needs Assessment for Horsham Council.

Draft findings from ORS indicate that we have a very high unmet need for Gypsies & Travellers (107 over the new Plan period), and therefore, I am afraid, we are not in a position to be able to take any of your unmet need.

The only comment I have to make on the Statement of Common Ground is the second last paragraph:

“All authorities have committed through their responses to the DTC request from BHCC to ongoing sub-regional discussions on this matter through the development of Local Strategic Statement 3”.

I have attended these LSS3 meetings over the last 2 years, and I was not aware that that position had actually been agreed.

I would be grateful if you would clarify this.

I trust this response is helpful but please do not hesitate to contact me should you have any further queries.

Kind regards,
Mark

Mark McLaughlin
Principal Planning Officer

Telephone: 01403 215208
Email: Mark.McLaughlin@horsham.gov.uk



Dear Mr Tremlett,

Brighton City – Gypsy and Traveller Pitch provision – Duty to Cooperate request

Thank you for your email dated 22 August 2019, in which you asked us to provide up on Mid Sussex's position on our ability to meet Brighton's unmet need for Gypsy and Traveller Pitches.

I confirm that Mid Sussex remains unable to assist with meeting the unmet need of 11 pitches that you identify in your letter. The reasons remain the same as set out in my letter of August 2018.

By way of an update, the letter of August 2018 refers to an expected planning application for 10 pitches. This planning application was granted consent in February 2019 (DM/18/3525 – Land at Lower Hollow Copse, Copthorne Road, Copthorne) However, this permission is subject to a legal challenge and therefore cannot be relied on as confirmed supply.

District Plan Policy DP33 requires that on three strategic sites (North and north-west of Burgess Hill, Land to the east of Pease Pottage and Land to the North of Clayton Mills), land will be allocated for Gypsy and Traveller pitch provision, to contribute towards the additional total identified need within the District, or the provision of an equivalent financial contribution towards the off-site provision of pitches will be made.

Planning permission has been granted on the first phase of the North and north-west Burgess Hill strategic allocation (DM/18/0509 – Land west of Freeks Lane, Burgess Hill). A financial contribution towards off-site provision of three pitches has been secured through a legal agreement. The planning permission for the remainder of the strategic allocation at Burgess Hill will be determined in October. This permission will include provision for 13 permanent gypsy and traveller pitches.

Overall, the supply of pitches in Mid Sussex remains the same and progress is being made on the delivery of sites.

Regards,
Alice Henstock
Senior Planning Officer, Planning Policy and Economy

From: ldf [mailto:ldf@lewes.gov.uk]
Sent: 11 September 2019 12:56 PM
To: Steve Tremlett
Subject: RE: Gypsy and Traveller Pitch Provision - Duty to Cooperate Request

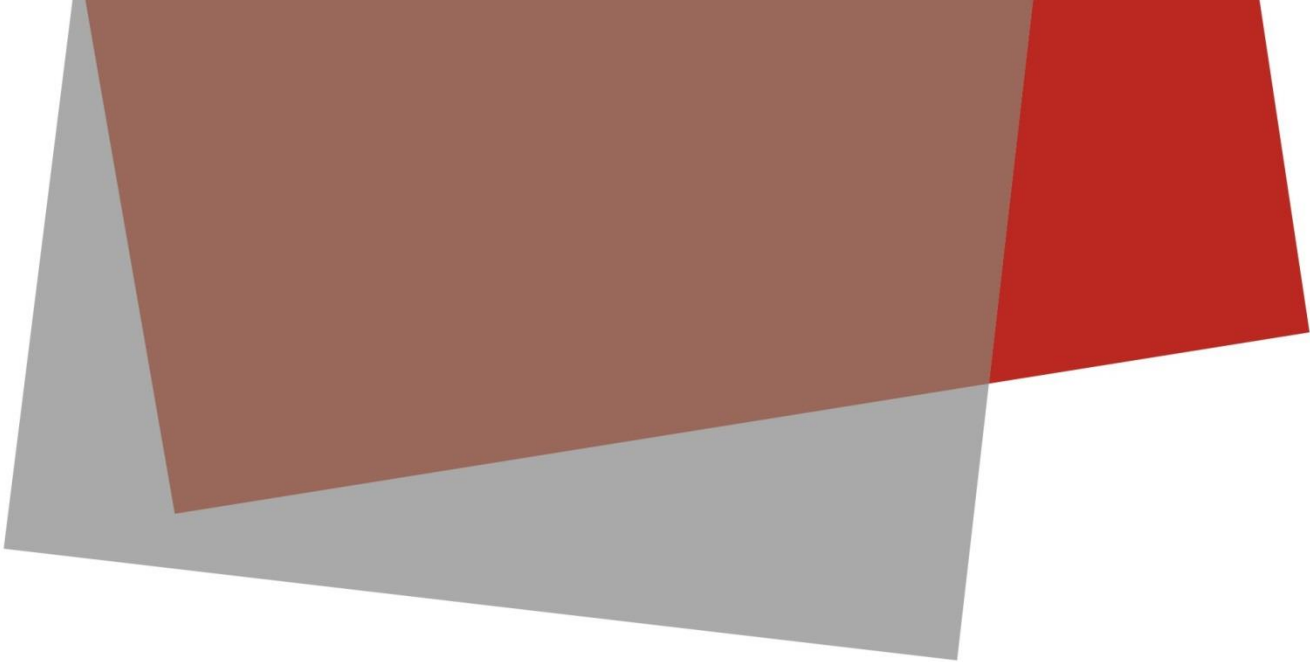
Dear Steve,

By way of an update to my email below. I can confirm that LPP2 is at EiP and we have recently finished consultation on Main Modifications and are awaiting the Inspector's Report. I can confirm that LPP2 contains an allocation for 5 pitches within Policy GT01. The SDNPA granted permission for an additional 2 pitches so this would leave an unmet need of 1 within Lewes District as a whole.

I will review your SoCG and provide comments in due course.

Kind regards,

Tondra



Brighton & Hove
City Council