

NORTHERN WEST SUSSEX AUTHORITIES

POSITION STATEMENT (revised July 2014)

1. Purpose of this Position Statement

- 1.1 The purpose of this statement is to set out how the three authorities have worked together on strategic planning matters in relation to the identified Northern West Sussex housing market area. In doing so, it demonstrates how the three authorities have sought to and continue to address the legal Duty to Co-operate requirements (Localism Act 2011) and tests of the National Planning Policy Framework (NPPF) paragraphs 178-182 (Appendix A and Appendix B). It updates the Position Statement agreed by the three Northern West Sussex Authorities in September 2013.

2. Background

- 2.1 Crawley Borough Council, Horsham District Council and Mid Sussex District Council (the Northern West Sussex Authorities) have a long history of working together on issues of mutual importance and across a wide range of services. For example, the councils have mature shared service arrangements and routinely work together on procurement of goods and services. The three authorities share planning and administrative boundaries. There is a particularly strong history of joint working and collaboration on planning policy matters.
- 2.2 Over the years a number of planning studies have been procured jointly and, when proposals at Crawley involved development beyond the borough boundary, a joint area action plan between Horsham and Crawley was produced. With the introduction of the Localism Act and the Duty to Cooperate, joint working has continued and strengthened with the three authorities collaborating together on a number of strategic issues.
- 2.3 The authorities also work with partners in the wider 'Gatwick Diamond'¹ area to address strategic planning issues. The aim of this work is to promote the continued prosperity of the Gatwick Diamond and plan for its future growth. As part of this wider area, the three authorities have worked on and signed up to the Gatwick Diamond Local Strategic Statement and the Memorandum of Understanding. (<http://www.midsussex.gov.uk/8573.htm>). This sets out a vision to help ensure that *'by 2016 the Gatwick Diamond will be a world-class, internationally recognised business location achieving sustainable prosperity.'* In doing so, the statement recognises the strength of the Gatwick Diamond as a business location, and has regard to the strong demand to locate there.
- 2.4 More recently, the three authorities became part of the new 'Coast to Capital' Local Enterprise Partnership. This area stretches from Chichester in the south west, along the coast to Brighton and Newhaven and Seaford through Mid Sussex and Crawley to Croydon on the outskirts of London. The Coast to Capital Local Enterprise Partnership (LEP) has published its Strategic Economic Plan (2014). This strategy has the potential to be a significant factor in the way in which resources are prioritised and directed to infrastructure projects. The three authorities are working together with other authorities in the Gatwick Diamond to continue effective input into

¹ Crawley Borough Council, Epsom and Ewell Borough Council, Horsham District Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, West Sussex County Council, Surrey County Council and Tandridge District Council

the LEP. They will be urging the LEP to assist in unlocking stalled housing and employment sites within the LEP area, including within the Gatwick Diamond area and along the Sussex Coast.

- 2.5 In 2009, work was commissioned by the West Sussex authorities (at District, Borough and County level) for a Strategic Housing Market Assessment. The study concluded that the County had two separate Housing Market Areas. Crawley Borough Council, Horsham District Council and Mid Sussex District Council were identified as sharing a common Housing Market Area, the 'Northern West Sussex Housing Market Area' distinct from that of the West Sussex Coastal Authorities (Adur District Council, Arun District Council, Chichester District Council and Worthing Borough Council together with the South Downs National Park Authority).
- 2.6 Whilst recognising that housing markets are not totally discrete the three authorities continue to work on this basic assumption and build upon this evidence in the preparation of their respective Local Plans. The Northern West Sussex Authorities have engaged with the West Sussex Coastal Authorities and additionally Brighton and Hove and Lewes, in a number of ways (at Member and senior officer and planning policy officer level), whilst work on the delivery of housing continues to progress based on the separate housing market areas within the Sussex Coast and the Gatwick Diamond. In a similar way, and with the agreement of the other authorities in the Gatwick Diamond area, the Northern West Sussex housing market area has been treated separately from the East Surrey housing market area. Where overlaps between these two housing market areas exist, these are being considered with the other authorities within the context of the Local Strategic Statement and the Memorandum of Understanding.
- 2.7 The three local authorities have continued to commission joint evidence, including the Employment Land Review 2009/2010, the 2009 Strategic Housing Market Assessment 2012 and 2014 update, the New Market Town Study (2009), the At Crawley Study (2010) and an update to the Employment Land Review: the Economic Growth Assessment (2014). The authorities have also worked collaboratively on other studies relevant to the wider Gatwick Diamond area including the Gatwick Water Cycle Study 2011 and catchment based floor risk assessments. The authorities, as a matter of course, share methodologies and emerging evidence to ensure consistency and compatibility throughout the area, even if studies are being produced separately. These include Locally Generated Housing Needs Studies/Local Housing Assessments, Strategic Sites and Broad Locations across the Housing Market Area (SHLAA appendix) and Gypsy and Traveller Accommodation Needs Assessments. Further information on the work by the three authorities in relation to the housing evidence is set out in Section 6.

3. Principles of Joint Working

- 3.1 The Gatwick Diamond Local Authorities Memorandum of Understanding, to which the three authorities are party, established a broad framework for cooperation across the Gatwick Diamond Area. Within this context, the three authorities agreed the following additional principles to guide their joint working:
- To plan positively and achieve sustainable development in line with the National Planning Policy Framework requirements;
 - To respect each other's right to develop their own plans that fit the specific circumstances of the District/Borough's communities;
 - To work to produce a joint evidence base on relevant issues; and

- To meet regularly at Member and officer level to review the situation and respond to new issues and changing circumstances.

3.2 It has been agreed between the three authorities that:

- A joint Local Plan does not need to be produced; (although a local joint area action plan exists);
- Joint policies would not be appropriate;
- Each authority will determine its own employment and housing targets but in so doing will consider them in the context of the key strategic issues and the particular circumstances of the other authorities; and,
- They will continue to work with the other Gatwick Diamond authorities on housing, employment and other strategic issues affecting the Gatwick Diamond as a whole.

3.3 The specific strategic matters which the three authorities have determined are relevant across the boundaries of the authorities are:

- Employment and economic development.
- Housing need.
- Specific aspects of infrastructure development.

4. Limitations on Joint Working

4.1 The three authorities recognise that there are limits to joint working including:

- Each authority has different local circumstances;
- Each authority is at a different stage in the process of producing their plans; and,
- There are issues better addressed through bilateral or other arrangements and examples of these are described in Section 8 below.

Despite these limits, the three authorities are committed to working together and as part of the Gatwick Diamond, sharing information and best practice and continuing to procure work jointly, where relevant, throughout the plan preparation phase and beyond. This co-operation and collaboration takes place at senior Member, Chief Executive and senior officer as well as at technical officer level.

5. Employment and Economic Development

Aim

5.1 The aim agreed by the three authorities is to secure policies which support realistic and sustainable levels of economic growth in the area, tailored to the particular needs of the individual local authority areas.

Action Taken to Date

5.2 The Northern West Sussex Authorities are located within the wider economic area of the Coast to Capital Local Enterprise Partnership and the Gatwick Diamond. Between 2009 and 2010, the three local authorities worked closely together to commission a joint, PPS4 compliant, Employment Land Review (part 1 and part 2) to inform their respective plans. In 2012, the Authorities (along with Mole Valley District Council, Reigate & Banstead Borough Council, Surrey and West Sussex County Councils) endorsed the Gatwick Diamond Local Strategic Statement which included agreement to a broad approach designed to support the growth of the Diamond economy. The three authorities through the LSS and their individual planning policies

will seek to collectively promote sustainable economic growth across the wider economic areas of the Gatwick Diamond and the LEP.

- 5.3 Ongoing work has continued to ensure that the authorities are informed and can plan for and promote the economy of the area taking into account the recent national recession and emerging legislation. The Northern West Sussex Authorities commissioned a new study in 2013 taking into account changes affecting planning for economic growth at a national level. The Economic Growth Assessment was finalised and published in April 2014. The Economic Growth Assessment provides an overview of the economic future of the Northern West Sussex economic area as well as necessary, specific information for each of the three authorities with information on the local economy and its potential for growth to contribute to the development of Local Plans and corporate economic development policies. Building on existing initiatives and policies, the three Local Plans, with a positive approach to sustainable economic growth will assist delivery of the ambitions of the LSS and the LEP Economic Plan.

Outcomes

- 5.4 *Crawley* – The emerging Local Plan focuses on the sub-regional employment function of Crawley as part of the Gatwick Diamond. It encourages sustainable economic growth by directing employment uses to Crawley’s existing main employment areas? Which are, whilst taking a more managed approach to largest employment area - Manor Royal as the priority employment location for B-class uses. It is recognised within the Local Plan that a significant demand for employment floorspace, coupled with a limited supply of land available for economic development use, means that it may be necessary to assess opportunities for new economic development locations(s) at Crawley over the Plan period, potentially at a strategic site.
- 5.5 *Horsham* - The Horsham District Planning Framework recognises the wider context of the Gatwick Diamond, the role of Horsham town as the primary location and focus for employment in the District which is complemented by the surrounding rural hinterland with its vibrant rural economy. It builds upon the established transport connections and the niche market offer within the District. It supports growth in employment land and communications to provide a diverse, resilient and flexible range of business premises which will provide good quality jobs and the opportunity of living close to where people work. A new significant amount of new floorspace is planned within a high value business park in a new strategic allocation north of and adjoining Horsham town. It also seeks to protect and enhance existing employment floorspace throughout the hierarchy of settlements as well as promoting starter units and move on accommodation to nurture and support growth of smaller businesses and attract inward investment.
- 5.6 *Mid Sussex* - Sustainable economic growth and a jobs target (3% growth from the Employment Land Review requiring the provision of 380 jobs per annum) was set out in the Mid Sussex District Plan submitted July 2013. This Plan sought to support sustainable communities and a robust local economy by encouraging opportunities for residents to work within their towns and villages. It included provision and promotion of new employment land to meet its needs without impinging upon its neighbours. This Plan has subsequently been withdrawn, and a Regulation 18 consultation on the new draft District Plan is anticipated in Autumn 2014.

6. Housing Need

Aim

- 6.1 The aim agreed by the three authorities is to as far as possible, within constraints meet housing need in the Housing Market area which plays a significant role in supporting the economy of the wider Gatwick Diamond;

Action Taken to Date

- 6.2 Within the Gatwick Diamond, the Local Strategic Statement indicates that the local authorities will seek to secure sufficient housing and infrastructure to meet the needs of those who live or work in the area, including the needs arising from the Gatwick Diamond economy. Crawley, Horsham and Mid Sussex have continued to work with the other Gatwick Diamond authorities as Local Plans are being prepared. In accordance with the National Planning Policy Framework, the local authorities have a clear understanding of and are planning for the housing needs their area.
- 6.3 A joint understanding of the constraints of the housing market area is also needed. Each authority has particular issues which can impact the delivery of housing whilst seeking to meet objectively assessed needs and to support the economy. The three authorities have set out the key constraints which are set out below.
- 6.4 Horsham and Mid Sussex share some environmental designations such as the High Weald Area of Outstanding Natural Beauty and both planning authorities are affected by the South Downs National Park.
- 6.5 Mid Sussex District Council has recently published a Capacity Study which demonstrates that 92% of the District is covered by primary constraints (such as AONB) or secondary constraints (such as low landscape capacity). A further 4% is already built upon. An important secondary constraint is the Ashdown Forest (Special Protection Area and Special Area of Conservation) where new housing development within 7km of the Forest has an impact on the protected bird populations. Although small-scale housing development (with mitigation) is likely to come forward within that 7km zone, it does limit the deliverability of large scale development, particularly at East Grinstead, which is also constrained by the A22/A264 acknowledged congestion problems.
- 6.6 Within Horsham, just over 14.3% lies within the South Downs National Park and there is also the High Weald AONB situated in the north-east of the District, adjacent to the main towns of Horsham and Crawley. Due to historic patterns of land use, much of the landscape of the District is still heavily wooded, a considerable amount of which, over 3243 hectares is classified as ancient woodland. Approximately 8% of the land is designated for its importance in nature conservation terms, including the Arun Valley Special Protection Area and the Mens SPA, which is of international importance. Any new housing within buffer zones around the SPAs has an impact on protected species and habitats in Horsham District. 6% of the district is located within functional floodplain with southern settlements particularly constrained by flooding due to their location adjacent to the Arun and Adur rivers.
- 6.7 Infrastructure constraints are covered in more detail in Section 7, with waste water treatment works, including at Gatwick Waste Water Treatment Works and Goddards Green Waste Water Treatment Works (particularly the impact of the latter on the water quality of the River Adur) and transport (focusing on capacity on the A264/A22 and A23/M23) being the main issues within the area.

- 6.8 Crawley is the most constrained of the three authorities in terms of space in which to develop within the planning authority boundary. This affects the ability of the authority to deliver significant levels of housing. Crawley's boundaries are drawn tightly around the town. The M23 motorway forms the borough boundary to the east; to the west the urban boundary forms much of the borough boundary and to the south lies the High Weald Area of Outstanding Natural Beauty. Gatwick Airport is located within the borough to the north of the town. The land between the town and the airport is heavily constrained by noise and safeguarding including within Horsham District for the potential future development of the airport.
- 6.9 Each District and the Borough has undertaken an assessment of the amount of housing need. This is informed by two key elements of evidence. Firstly, individual "Housing Assessment" reports (known as Locally Generated Needs Assessment or Local Housing Assessment) have been prepared which include a range of demographic need and economic growth scenarios for each authority. Secondly, the Northern West Sussex Strategic Housing Market Assessment (including the update in 2012 and 2014) has been undertaken, based on market and affordable housing need which covers the three authority areas jointly.
- 6.10 This work requires an understanding of the starting point in housing need terms of "objectively assessed need". The three authorities have shared the methodologies and conclusions of each assessment. As the Mid Sussex Local Housing Assessment was prepared 'in-house', it has been possible to run all of the respective authorities' data and assumptions through the Mid Sussex model as a check. This revealed broadly similar results to each authority's published study. The three authorities are therefore in agreement that the methodologies, assumptions and results of each of the three Needs Assessments are broadly comparable and compatible. The data has been updated to take account of more detailed Census information produced since April 2012 and will continue to be in draft format as the DCLG Household Projections are anticipated to be released in Autumn 2014.

Outcomes

- 6.11 The technical work involved in comparing the three authorities' needs assessments has led to a detailed understanding between the authorities on the factors that influence population growth in the Housing Market Area, and consequently the need for new homes looking forward 20 years including the critical areas to plan for to support economic growth. This has involved detailed discussions and understanding of natural change (i.e. the number of births and deaths) and migration (internal and international) in each authority area. Crawley's growth is predominantly due to high levels of natural change (more births than deaths) which matches their lower age profile. Horsham and Mid Sussex experience lower levels of natural change, with migration more of a factor in increasing population numbers. Work has also been undertaken to understand migration between the three authorities, this has been largely balanced in recent years which reinforces the strong relationship between the three authorities in the Housing Market Area.
- 6.12 Table 1 sets out the three authorities' respective objectively assessed housing need is; Crawley 535 homes per annum², Horsham 560³ homes per annum and Mid Sussex 516⁴ homes per annum. Therefore, it is estimated that a total of 1,611 net

² Crawley draft Submission Local Plan, July 2014

³ Horsham District Planning Framework submission document 2014

⁴ Mid Sussex Scrutiny Committee for Planning and Economic Development, 9 July 2014

dwellings per annum would be required to meet baseline demographic needs across the Northern West Sussex Authorities. This is the need that arises naturally from increasing birth rates, decreasing death rates and historic levels of net migration.

- 6.13 Table 1 also details the total proposed provision of 326 dwellings per annum (dpa) for Crawley and 650 dpa for Horsham. Whilst Mid Sussex does not currently have a proposed provision figure, the figure in the previously submitted District Plan was 530 dpa. This would result in a total provision figure of 1,506 dpa for the Housing Market Area. Whilst this currently represents a shortfall in meeting the objectively assessed need in the Housing Market Area, the figures show an improved position from that at September 2013, reflecting that all three authorities are doing all they can to maximise capacity for housing development within their boundaries and thereby reduce the shortfall across the Housing Market Area.

Table 1 – Objectively Assessed Housing Needs and proposed housing provision – Northern West Sussex Authorities

	Mid Sussex	Crawley	Horsham	TOTAL
Objectively Assessed Need	516	535	560	1,611 net dwellings per annum
Proposed Housing Provision	530	326	650	1,506 net dwellings per annum

- 6.14 The Northern West Sussex authorities were provided with a copy of the Sussex Coastal authorities' Duty to Co-operate Housing Study on 17th June 2013 as part of their formal representation on the proposed submission Mid Sussex District Plan. The Study provides an assessment of housing requirements in each authority in the Sussex Coastal housing market area, as well as an assessment of housing land supply and capacity in each. The study indicates the implications of a potential shortfall in housing provision across the Sussex Coast area and how this might be addressed. In light of one of the recommendations which suggested the Coastal authorities liaise with authorities in the north, the three Northern West Sussex authorities met with the Sussex Coastal authorities (9th August 2013) to explain the situation as set out above. An update to the Coastal Housing Study has been published alongside the Chichester Local Plan submission, and further discussions are anticipated to continue the joint working already established over the preceding 12 months. The Coastal Authorities have yet to clearly articulate what quantum of housing cannot be accommodated within their Housing Market Area, the critical types and where this may be needed outside their boundary.
- 6.15 The three authorities have acknowledged each other's positions and have a clear understanding of the objectively housing requirements within the Northern West Sussex Housing Market Area. Due to the different stages of plan preparation across the area, the technical joint working on housing requirements and discussions on housing delivery will continue.
- 6.16 The three authorities recognise that, across the North West Sussex housing market area as a whole, the local plans they are producing will not fully meet objectively assessed housing needs, a shortfall generated primarily from within Crawley where a variety of constraints dictate a capacity-led approach to meeting housing needs. Each authority has assessed the ability of its area to accommodate further housing

development in the light of this shortfall. They each consider that they are doing the maximum reasonable to meet the objectively assessed housing needs of the area as a whole, taking into account local constraints, and the need for sustainable development.

- 6.17 The three authorities will also work with the Sussex Coastal Housing Market Area and within the Northern West Sussex Housing Market Area to understand how the projected housing shortfall can be reduced and in particular will be working with the LEP to see how they can help remove barriers and constraints to development in the Gatwick Diamond and along the Sussex Coast. The three authorities, as part of the Gatwick Diamond, have also engaged with the Further Alterations to the London Plan. It is assumed by the Northern West Sussex authorities that, in those local planning authority areas which are proposing not to meet their needs, they will leave “no stone unturned” to ensure that as much housing as possible can be delivered in their boundaries.

7. Infrastructure

Aims

- 7.1 The aim agreed by the three authorities is to understand which cross boundary infrastructure issues, needs or projects should appropriately be addressed jointly by the Northern West Sussex Authorities in the context of their emerging plans to manage patterns of growth to maximise development in sustainable locations and to secure infrastructure to deliver planned growth. The three authorities also aim to ensure that the level of development is consistent with infrastructure required to deliver development in the Northern West Sussex area over the lifetime of the respective plans.

Action Taken to Date

- 7.2 An assessment of the capacity of the Waste Water Treatment Works at Crawley was undertaken in the ‘At Crawley Study’. When taking into account existing allocations (West of Bewbush in Horsham) and planning permissions, there is only capacity prior to 2021 at the Crawley treatment works to accommodate one further strategic site. This will be the North East Sector at Crawley, which has outline planning permission for the whole neighbourhood, detailed permission for the neighbourhood’s necessary infrastructure and reserved matters approved for Phase 1. The Gatwick Water Cycle Study was subsequently commissioned in 2011 to look at the issue of Waste Water Treatment Works and the implication of development on water quality in the area. (<http://www.midsussex.gov.uk/8417.htm>). The Gatwick Water Cycle Study indicates that the Environment Agency has a clear position on private sewage treatment works: they will not normally grant discharge consents for a private sewerage treatments system where it is more reasonable to connect to a public foul sewer.
- 7.3 The capacity of Goddards Green Wastewater Treatment Works near Burgess Hill in Mid Sussex area has an enforced limit of the level of development acceptable within the catchment area of the treatment works which is imposed by a) the capacity of the works and b) the limit of the discharge license approved by the Environment Agency. This relates to the already poor water quality in the River Adur, into which this Waste Water Treatment Works discharges. Southern Water have confirmed that due to changes in discharge licences arrangements with the Environment Agency in 2013, capacity has increased slightly and the Treatment Works can accommodate the development proposed in the Mid Sussex District Plan. This arrangement will not

cover any additional development beyond that was proposed in the Mid Sussex District Plan submitted in July 2013 (since withdrawn).

- 7.4 An assessment of the transport requirements for strategic locations at Crawley was undertaken in the 'At Crawley Study'. This identified that significant investment would be needed in highway infrastructure including the need for a western relief road around Crawley in the event of significant further development west of Crawley. Agree with comment 11
- 7.5 Each authority has undertaken individual Transport Studies, using share methodology and overseen by WSCC, as part of their evidence base. Horsham and Crawley have worked together over production of a joint evidence base for the Joint Area Action Plan and Mid Sussex and Crawley have liaised with each other to make sure that cross-boundary transport impacts are understood in relation to potential development sites close to the boundaries of the two authorities. Issues focus on the A264/A22 corridors which severely constrains development at East Grinstead and in Mid Sussex close to the boundary with Crawley, as well as the M23/A23 constrained junctions which impact on any potential development on the boundary between the three authorities. Although undertaking separate studies, Crawley and Mid Sussex commissioned the same transport consultant to undertake the work using the similar transport modelling data for both authorities.
- 7.6 Horsham undertook a Transport and Development Study to determine the cumulative impact on the highway network and public transport as a result of three main locations, future potential development in Horsham town centre and the planned strategic growth proposed by the Horsham District Planning Framework. Add something about the findings.....JD/JM
- 7.7 Further assessments will be carried out to understand the combined models and ensure consistency of data/messages and cumulative impact of all three Plans.

Outcomes

- 7.8 The Northern West Sussex Authorities are in agreement that waste water capacity is a constraint to development in the area, over the lifetime of the respective plans. Additional work may need to be undertaken by the three authorities to look in detail at what long-term actions are necessary to inform the future business plans of the water companies that deliver waste water treatment within the area in conjunction with the Environment Agency and the water companies.
- 7.9 The Northern West Sussex Authorities are in agreement that transport infrastructure required to deliver development in the north of the area is a significant constraint over the lifetime of the respective plans. The three councils will continue to share information as transport studies are updated and will work together where necessary to resolve any cross-boundary issues alongside the LEP, West Sussex County Council or the Highways Agency.
- 8. Matters to be dealt with elsewhere**
- 8.1 As indicated earlier in this statement the Northern West Sussex Authorities will continue to work on the full range of strategic issues with the other Gatwick Diamond authorities. Some issues between two authorities and those across the wider Gatwick Diamond will need to be dealt with separately from this statement as set out below.

- 8.2 Those matters that the Northern West Sussex Authorities have specifically agreed to exclude from this Statement are:
- a. Gatwick Airport and additional airport capacity will be covered primarily through joint working with the Gatwick Diamond Local Authorities and Gatwick Joint Local Authorities grouping;
 - b. Flood risk is a particular concern to Crawley Borough Council, but it does not have a similar impact on the other two authorities, (joint working has previously existed between the Environment Agency, Crawley Borough Council, Mid Sussex District Council, Mole Valley District Council and Reigate and Banstead Borough, Surrey County Council and Tandridge District Council in relation to the Upper River Mole catchment).
 - c. Alongside an agreement across the Gatwick Diamond, the local authorities will share information about the needs of the gypsy and travelling show people communities, and each authority will work towards accommodating the needs of the permanent Traveller population that have been identified within its own area. A Transit site has been granted planning permission in Chichester to serve the whole of the West Sussex County following a study, commissioned in July 2013 (by Mid Sussex on behalf of the West Sussex authorities), looking at the issue of unauthorised encampments;
 - d. The Gatwick Diamond Local Authorities have agreed to maintain a coordinated approach to the review of Town Centres and their roles and the Northern West Sussex Authorities will continue joint work within that framework. The potential growth of Crawley Town Centre has been accepted through the Gatwick Diamond Local Strategic Statement, but it is also accepted that the character and supporting roles of other town centres needs to be recognised with some regeneration to perform vital roles for their community; and,
 - e. The low carbon economy is to be dealt by the individual authorities working either on their own or, as appropriate, with others. They will maintain an awareness of initiatives which are coming forward so that joint working can be put in place if appropriate.

9. Process for Review and Further Engagement

- 9.1 The three authorities will continue to collaborate extensively as the Northern West Sussex Authorities and through the Gatwick Diamond to ensure that the on-going requirements of the Duty to Co-operate are met. This includes continued engagement with adjacent housing market and economic areas such as the Coastal Authorities and London. All three authorities are working together on the housing and economic growth requirements. There is senior Member and officer commitment to continue to collaborate and develop joint solutions to issues. The three authorities have developed a strong understanding of the housing market area and will continue to respond to new issues and changing circumstances together, as the three authorities' plans progress to submission and approval.

APPENDIX A Localism Act 2011 – Duty to Co-operate

110 Duty to co-operate in relation to planning of sustainable development

- (1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

“33A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—
- (a) a local planning authority,
 - (b) a county council in England that is not a local planning authority, or
 - (c) a body, or other person, that is prescribed or of a prescribed description,
- must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
 - (b) the preparation of other local development documents,
 - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
 - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
 - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.
- (4) For the purposes of subsection (3), each of the following is a “strategic matter”—
- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
 - (b) sustainable development or use of land in a two-tier area if the development or use—
 - (i) is a county matter, or
 - (ii) has or would have a significant impact on a county matter.
- (5) In subsection (4)—
- “county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),
 - “planning area” means—

- (a) the area of—
 - (i) a district council (including a metropolitan district council),
 - (ii) a London borough council, or
 - (iii) a county council in England for an area for which there is no district council,

but only so far as that area is neither in a National Park nor in the Broads,

 - (b) a National Park,
 - (c) the Broads,
 - (d) the English inshore region, or
 - (e) the English offshore region, and
 - “two-tier area” means an area—
 - (a) for which there is a county council and a district council, but
 - (b) which is not in a National Park.
- (6) The engagement required of a person by subsection (2)(a) includes, in particular—
 - (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.
- (7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.
- (8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.
- (9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.
- (10) In this section—
 - “the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and
 - “land” includes the waters within those regions and the bed and subsoil of those waters.”
- (2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a county council’s minerals and waste development scheme) after subsection (4) insert—

“(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).”
- (3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents: purpose of independent examination) after paragraph (b) insert “; and
- (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”

APPENDIX B National Planning Policy Framework extract – Duty to Co-operate

Planning strategically across local boundaries

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.

181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process

of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

Examining Local Plans

182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

●● **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;’