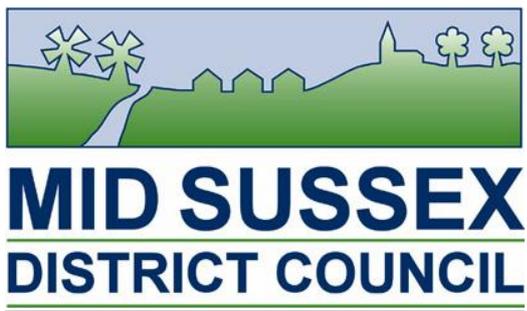


Duty to Cooperate Framework



September 2015

Introduction

The Localism Act 2011 introduced a requirement for local authorities and certain specified public bodies to cooperate with one another (the 'duty to cooperate') in the preparation of local development plans. The duty requires local authorities and other public bodies to engage constructively, actively and on an ongoing basis in order to maximise the effectiveness of their development plans in so far as they relate to strategic matters. Strategic matters are defined in the Act as:

1. sustainable development that has or would have a significant impact on at least two local authority areas, and
2. sustainable development in a two-tier area where the development is a county matter or has or would have a significant impact on a county matter (i.e. typically waste and minerals proposals).

The engagement required under the duty to cooperate includes, in particular, considering whether to consult on, prepare, enter into and publish joint approaches to the undertaking of local plans; and whether to prepare joint local plans.

The Localism Act sets out a legal test for cooperation whilst the National Planning Policy Framework (March 2012) introduced a policy test. Paragraph 178 of the Framework states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the following strategic priorities:

- the homes and jobs needed in the area
- the provision of retail, leisure and other commercial development
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

The Framework advises local planning authorities to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual local plans. The intention is that this 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 the Framework. As part of this process, the Framework advises local authorities to consider producing joint

planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

The Framework explains that local planning authorities will be expected to demonstrate evidence of having cooperated effectively to plan for issues with cross-boundary impacts when their local plans are submitted for examination. This Duty to Cooperate Framework has been prepared in order to enable Mid Sussex District Council to fulfil this policy test.

Purpose

The objective of this Duty to Cooperate Framework is to establish a robust and transparent process to enable cooperation with the relevant local authorities and organisations to be demonstrated. It will also enable cooperation to be documented and monitored in terms of the strategic issues to be addressed, the outcomes achieved and the frequency of engagement with the relevant authorities/public bodies. In particular, however, this document will enable the Council to demonstrate that engagement has been:

- constructive
- active
- ongoing
- collaborative
- diligent and
- of mutual benefit.

In addition, the Framework is intended to identify and assess the implications of strategic cross-boundary issues on which the relevant authorities need to work together to maximise the effectiveness of their local plans.

Principles

Mid Sussex District Council will undertake work on the duty to cooperate having regard to the principles for cooperation which were agreed by the West Sussex local authority Chief Executives in February 2014. The principles were subsequently discussed with Brighton & Hove City Council and Lewes District Council. These principles:

- emphasise the importance of strengthening liaison between local authorities and working together on the duty to cooperate in a spirit of positive and collaborative joint working

- stipulate that work must be overseen at the highest levels within the local authorities with outcomes clearly recorded and signed off by Chief Executives and Leaders
- seek to avoid creating additional layers of bureaucracy
- recognise the economic geography of and existing partnerships in the area; and
- state that arrangements must be consistent with the principles of localism.

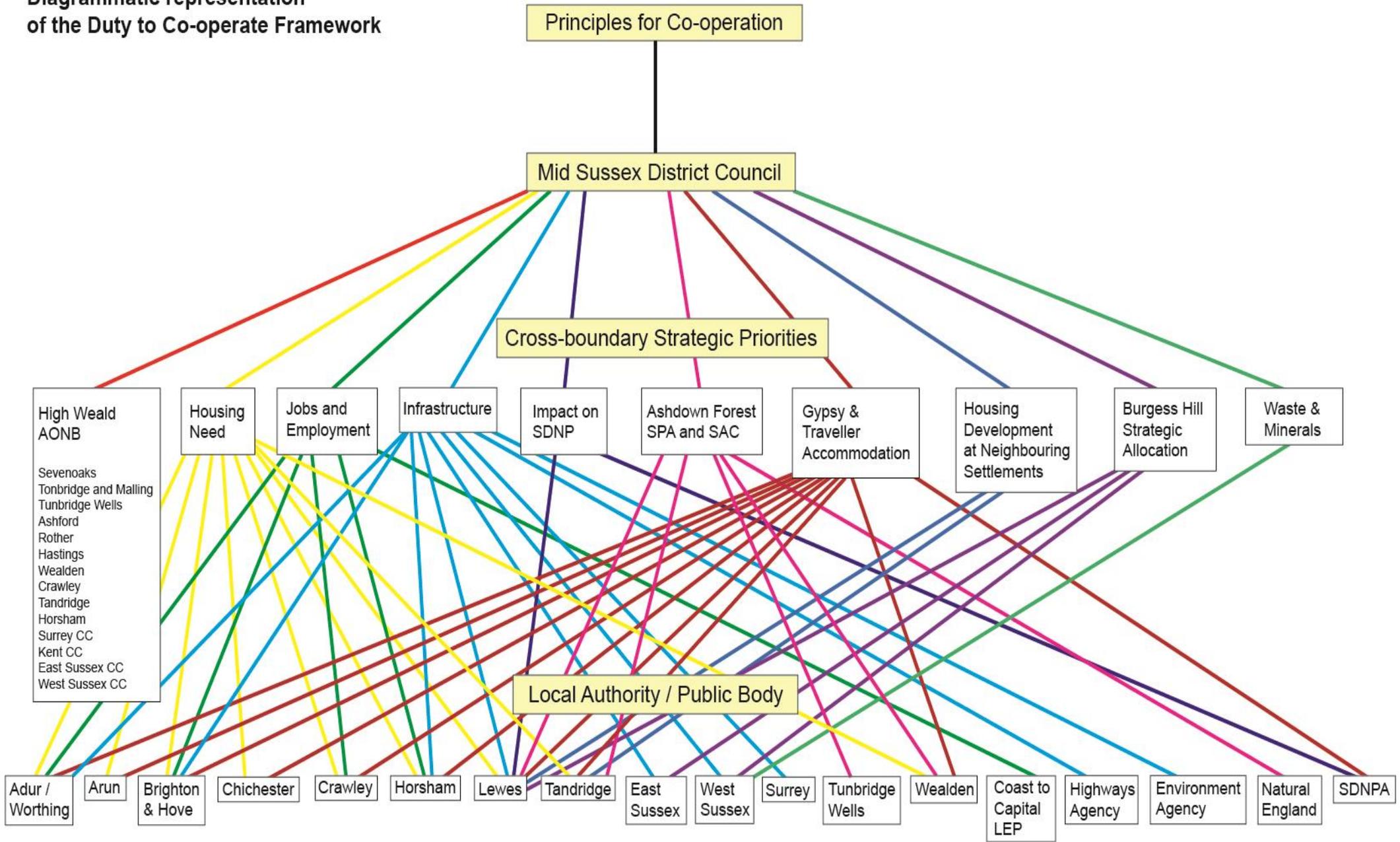
Cross-boundary strategic priorities

The cross-boundary strategic issues have been agreed with our neighbours and public bodies. These are identified as follows:

- Housing need (Adur/Worthing, Arun, Brighton & Hove, Chichester, Crawley, Horsham, Lewes, Tandridge, Wealden)
- Jobs and employment development (Adur/Worthing, Brighton & Hove, Crawley, Horsham, Coast to Capital LEP)
- Infrastructure (Adur/Worthing, Brighton & Hove, East Sussex, Horsham, Lewes, Surrey, West Sussex, Environment Agency, Highways Agency)
- Impact on South Downs National Park (Lewes, South Downs National Park Authority)
- Ashdown Forest Special Protection Area and Special Area of Conservation (Natural England, Lewes, Tunbridge Wells, Wealden)
- Gypsy and traveller accommodation (Adur/Worthing, Arun, Brighton & Hove, Chichester, Crawley, Horsham, Lewes, Wealden, SDNPA, Tandridge)
- Housing development at neighbouring settlements (Lewes, Tandridge)
- Burgess Hill strategic allocation (East Sussex, Lewes, West Sussex)
- High Weald Area of Outstanding Natural Beauty (14 local authorities in Kent, East Sussex, West Sussex and Surrey)
- Waste and minerals (West Sussex)

The inter-relationship between these priorities and the relevant neighbouring and nearby local authorities and public bodies is illustrated on the diagram overleaf.

**Diagrammatic representation
of the Duty to Co-operate Framework**



Existing Sub-Regional Structures and Groupings

The Council operates within a complex landscape of county and sub-regional structures and groupings which bring the relevant bodies together to enable joint working. The use of these forums will contribute to duty to cooperate discussions and provide an overarching framework within which to cooperate with individual bodies about relevant and specific strategic priorities. The diagram overleaf illustrates these groupings.

West Sussex

The overarching partnership board in the County to date has been 'The Co-operative', which consists of all the local authority Leaders and partners in West Sussex such as Sussex Police and the Clinical Commissioning Groups. The focus of this Board has been on strategic matters such as the establishment of a joint Gypsy and traveller transit site in West Sussex.

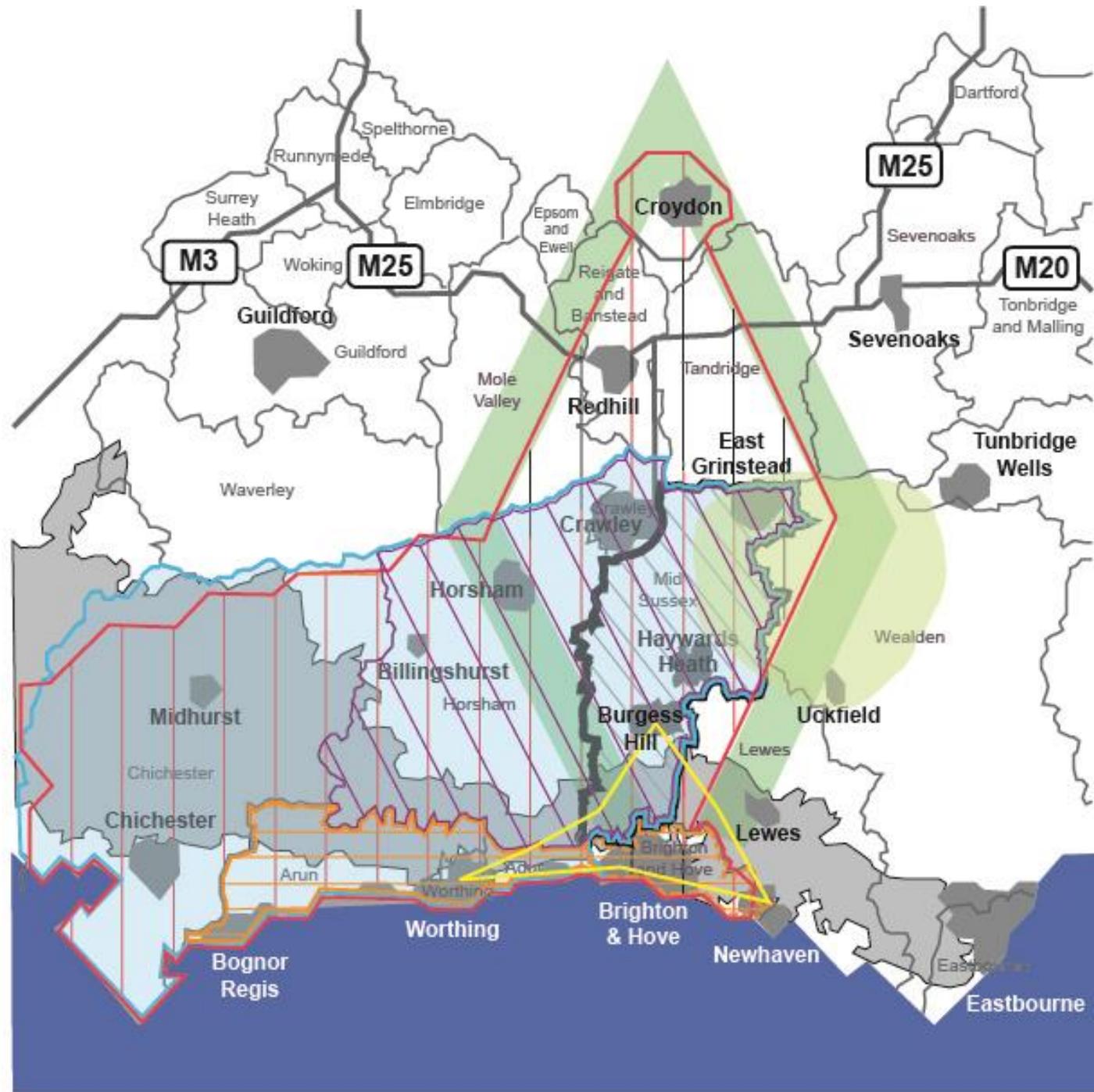
The County Joint Leaders (whose meetings are also attended by the Chief Executives) delegated the responsibility of coordinating work on the duty to cooperate to a Joint Planning Board. This consists of Planning Cabinet Members from West Sussex and the Chairman of the South Downs National Park Planning Committee. The Terms of Reference of the Joint Planning Board specifically refer to the group acting as a political forum to discuss and coordinate joint planning issues and working arrangements between local planning authorities in West Sussex. The Joint Planning Board is supported by the Chief Planning Officers' Group, which is in turn supported by the Planning Policy Officers' Group.

Gatwick Diamond

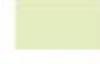
The Gatwick Diamond Initiative is a business-led partnership which includes representatives of all seven local planning authorities and two County Councils (West Sussex and Surrey) in the Diamond, including Mid Sussex. The Initiative partners with business leaders, business membership organisations, colleges and universities, local authorities and government agencies.

Within the Gatwick Diamond, a Memorandum of Understanding (MoU) has been prepared and endorsed by the local authorities to provide a framework for cooperation whilst a Local Strategic Statement (LSS) explains how the local authorities are working together on strategic issues and is accompanied by a Sustainability Appraisal/Strategic Environmental Assessment.

The Gatwick Diamond's vision is 'to be an internationally recognised world-class, business location achieving sustainable prosperity'. It has four thematic groups to take forward this vision, one of which is the Grow Group, chaired by the Chief Executive of Horsham District Council. The objectives of this group include supporting the roll out of the LSS and the duty to cooperate.



Duty to Co-operate Framework

-  Mid Sussex District
-  District boundaries
-  South Downs National Park
-  Coast to Capital LEP
-  Gatwick Diamond Initiative
-  Ashdown Forest 7km zone of influence
-  North West Sussex Housing Market Area
-  West Sussex Coastal Housing Market Area
-  West Sussex Co-Operative West Sussex Chief Executives Joint Planning Board
-  Greater Brighton City Deal

Mid Sussex has representatives at Member and officer level on all of these groupings, and has contributed to the discussions about the strategic priorities for the Diamond. Outcomes of this work were the LSS and the MoU, which sets out a work programme for taking forward the LSS.

Coast to Capital Local Enterprise Partnership (LEP)

The Gatwick Diamond is one of the five spatial areas in the LEP. This is a relatively new grouping, but is rapidly increasing in importance as a conduit between Central Government and local authorities – particularly in respect of funding to support growth.

The Leader of Mid Sussex, Councillor Garry Wall, is the Borough/District Councils' representative on the Board of the LEP and MSDC Members and officers assisted the LEP in preparing its Strategic Economic Plan for submission to Government in March 2014.

Northern West Sussex Housing Market Area

A pan-West Sussex study in 2009 identified two distinct Housing Market Areas in the County – the Northern West Sussex and the Coastal areas. The Northern West Sussex Housing Market Area comprises Mid Sussex, Crawley and Horsham.

Greater Brighton City Deal

A Greater Brighton City Deal was agreed by the Government in March 2014. It encompasses Brighton & Hove, Lewes, Mid Sussex, Adur and Worthing and will unlock more than £170 million of investment in Greater Brighton to create 8,500 jobs and expand its technology businesses.

Coastal West Sussex and Greater Brighton Strategic Planning Board

In October 2014, Mid Sussex District Council joined the 'Coastal West Sussex and Greater Brighton Strategic Planning Board', which includes Adur and Worthing Councils, Arun District Council, Chichester District Council, the South Downs National Park Authority, Brighton & Hove City Council, Lewes District Council and Horsham District Council. The Board was set up in late 2012 with the support of the Coastal West Sussex Partnership to:

1. Identify and manage spatial planning issues that impact on more than one local planning area within CWS&GB; and
2. Support better integration and alignment of strategic spatial and investment priorities in CWS&GB, ensuring that there is a clear and defined route through the statutory local planning process, where necessary.

The Board is in the process of updating its Local Strategic Statement, which will include the area of Mid Sussex.

Duty to Cooperate Engagement

The Council will undertake its duty to cooperate engagement in accordance with the schedule in Appendix 1.

Desired Outcomes

Mid Sussex will agree signed a memorandum of understanding (MoU) with each of the above local authorities and a statement of common ground with the public bodies. The MoUs will be signed by a Chief Officer or a Cabinet Member of the Council. In the case of housing market area partners Crawley Borough Council and Horsham District Council, the existing Position Statement which has been signed by all three authorities will be reviewed. Any outcomes from the duty to cooperate work will, where appropriate, be incorporated or used to inform the District Plan.

Monitoring and Review

The Council must provide details of the activities that it has undertaken on the duty to cooperate in its annual monitoring report. This will provide the opportunity to consider whether the arrangements for joint working are operating satisfactorily and enable refinements to be introduced in a timely fashion where necessary.

List of Appendices

1. Duty to Cooperate Schedule
2. Example of neighbouring/nearby authorities' duty to cooperate protocol/checklist

Appendix 1: Duty to Cooperate Schedule

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
South Downs National Park Authority	<i>Character and environment - National Park and setting</i> <i>Housing - Gypsy and traveller accommodation</i>	Hold Member and officer meetings Liaise over production of the District Plan Agree memorandum of understanding		
Adur/Worthing District Councils	<i>Housing – housing need</i> <i>Housing - Gypsy and traveller accommodation</i> <i>Economic Growth – employment allocations</i> <i>Infrastructure - transport</i>	Hold Member and officer meetings Agree memorandum of understanding		
Arun District Council	<i>Housing - housing need</i> <i>Housing - Gypsy and traveller accommodation</i>	Hold Member and officer meetings Agree memorandum of understanding		

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
Chichester District Council	<i>Housing</i> - housing need <i>Housing</i> - Gypsy and traveller accommodation	Hold Member and officer meetings Agree memorandum of understanding		
Crawley Borough Council	<i>Housing</i> - housing need <i>Economic Growth</i> -strategic employment allocation at Burgess Hill and development at Crawley <i>Infrastructure</i> - strategic infrastructure <i>Housing</i> - Gypsy and traveller accommodation	Hold Member and officer meetings Produce revised joint position statement	See North West Sussex Authorities	
Horsham District Council	<i>Housing</i> – housing need <i>Economic Growth</i> -strategic employment <i>Infrastructure</i> - broadband <i>Housing</i> - neighbourhood planning <i>Housing</i> - Gypsy and	Hold Member and officer meetings Agree revised joint position statement	See North West Sussex Authorities Ongoing liaison over neighbourhood planning	

Bodies or Organisations	Strategic Issues <i>(and how they relate to the District Plan Strategy)</i>	What MSDC will do	Outstanding Work	Notes
	traveller accommodation			
West Sussex County Council	<p><i>Infrastructure</i> - waste and minerals</p> <p><i>Housing</i> - Burgess Hill strategic development</p> <p><i>Infrastructure</i> - transport</p> <p><i>Infrastructure</i> - education</p> <p><i>Infrastructure</i> - S106 and Community Infrastructure Levy</p>	<p>Member and officer meetings</p> <p>Involvement in the Burgess Hill Steering Group</p> <p>Have discussions through the Joint Planning Board</p> <p>Liaise at Member and officer level</p>	Input into Stage 3 Transport Study	West Sussex Waste Local Plan – allocation for commercial waste site at Goddards Green, nr Burgess Hill.
Joint Planning Board/Chief Planning Officers/Planning Policy Officers' Group	<p>Political forum to discuss and coordinate joint planning issues and working arrangements between local planning authorities in West Sussex</p> <p>Supported by Chief Planning Officers and Planning Policy Officers' Groups</p>	Participate in regular meetings	The groups will continue to meet on a regular basis.	<p>There are formal terms of reference for Joint Planning Board</p> <p>Involves: <i>Adur District Council, Arun District Council, Chichester District Council, Crawley Borough Council, Horsham District Council, Mid Sussex District Council, West Sussex County Council, South Downs National Park Authority</i></p>

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
North West Sussex Authorities (HMA area)	<p><i>Housing</i> – housing need</p> <p><i>Economic growth</i> - employment</p> <p><i>Infrastructure</i> – strategic infrastructure</p>	<p>Production of joint evidence base</p> <p>Agree common methodology for Strategic Housing Land Availability Assessment</p> <p>Joint consideration of strategic SHLAA sites</p> <p>Publish joint Economic Growth Assessment</p> <p>Draft terms of reference for joint working</p> <p>Production of joint position statement</p> <p>Senior Member and officer meetings</p>	Publication of an up to date joint position statement for examination	<p><i>Crawley Borough Council</i></p> <p><i>Horsham District Council</i></p> <p><i>Mid Sussex District Council</i></p>
Brighton and Hove City Council (shared boundary)	<p><i>Housing</i> – housing need</p> <p><i>Economic growth</i> – employment allocations</p> <p><i>Housing</i> – Gypsy and traveller accommodation</p>	<p>Hold Member and officer meetings</p> <p>Agree memorandum of understanding</p>		

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
	<i>Infrastructure - transport</i>			
Lewes District Council (shared boundary)	<p><i>Housing – housing need</i></p> <p><i>Housing – Gypsy and traveller accommodation</i></p> <p><i>Housing - Burgess Hill strategic development</i></p> <p><i>Infrastructure - transport</i></p> <p><i>Character and environment - impact on National Park</i></p> <p><i>Character and environment - Ashdown Forest Special Protection Area and Special Area of Conservation</i></p> <p><i>Housing – development at Burgess Hill (Lewes)</i></p> <p><i>Housing – development at Haywards Heath (MSDC)</i></p>	<p>Hold Member and officer meetings</p> <p>Consult on respective SHLAA methodologies</p> <p>Agree memorandum of understanding</p>		
Wealden District Council (shared boundary)	<i>Character and environment - Ashdown Forest Special Protection Area and Special Area of Conservation</i>	<p>Hold Member and officer meetings</p> <p>Agree memorandum of understanding</p>	Continuing work on a joint Strategic Access Management and Monitoring strategy	<i>Also involves Lewes District Council, Tunbridge Wells Borough Council, Natural England and the Conservators of Ashdown</i>

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
	<i>Housing</i> – housing need <i>Housing</i> – Gypsy and traveller accommodation	Contribute to and agree a SAMM strategy	Continuing work on other Habitat Regulations issues	<i>Forest</i>
East Sussex County Council (shared boundary)	<i>Infrastructure</i> - transport (Burgess Hill)	Hold Member and officer meetings		
Gatwick Diamond Initiative*	The Gatwick Diamond economy People, places and communities Transport and communications Countryside and landscape Low carbon economy	Regular Member meetings Regular project officer meetings	Continuing work on Gypsy and travellers Updates to work plan in LSS	*Crawley Borough Council, Epsom & Ewell Borough Council, Horsham District Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, Surrey County Council, West Sussex County Council, (Tandridge District Council for MOU only)
Coastal Authorities*	<i>Housing</i> – housing need	Participate in officer meetings	Production of CWS & GB revised LSS	*Adur/Worthing Councils, Arun District Council, Brighton and Hove City Council, Chichester District Council, Lewes District Council
Coast to Capital Local	LEP Strategic Economic Plan	Participate in meetings		

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
Economic Partnership		between MSDC and the LEP; will also engage through Gatwick Diamond Initiative and the West Sussex Rural Partnership		
Environment Agency	<i>Infrastructure</i> - waste water treatment works <i>Infrastructure</i> -flood risk <i>Housing</i> – neighbourhood plans	Hold officer meetings Hold joint meetings with Southern Water regarding waste water Agree statement of common ground	EA recommended wording changes to two policies in the proposed submission District Plan	
Highways England	Impact of development on the M23/A23 Trunk road	Meetings with officers Agree statement of common ground	Additional work as progress is made on the strategic allocation at Burgess Hill	
Natural England	Ashdown Forest Special Protection Area and Special Area of Conservation High Weald AONB	Emails and letters, meetings and advice Will arrange meetings on HRA, SANG, SAMM and other Habitat Regulations issues Agree statement of common	Agreement to continue working with MSDC and others on the development of the Strategic Access Management and Monitoring strategy for Ashdown Forest and the	Also need to liaise with High Weald AONB Unit

Bodies or Organisations	Strategic Issues <i>(and how they relate to the District Plan Strategy)</i>	What MSDC will do	Outstanding Work	Notes
		ground	provision of SANG in MSDC	

Appendix 2: Template for neighbouring/nearby authorities' duty to cooperate protocol/checklist

Duty to Co-operate Protocol & Checklist

Local Planning Authorities party to this agreement/understanding:
Mid Sussex District Council (MSDC)

Development Plan Documents covered by this agreement/understanding:
MSDC – Mid Sussex District Plan (Local Plan)

Stage in the process forming part of this agreement:

Checklist criteria	Full agreement	Areas for discussion

Log of meetings, reports and other records to substantiate the collaborative working:

We, the undersigned, agree that the above statements and information truly represent the joint working that has taken place under the duty to cooperate.

 Cabinet Member for Planning
 Mid Sussex District Council

Add appendices for notes of meeting/signed MOUs etc./correspondence (confirming that concerns have been met by new wording etc)
 Show how co-operation has changed Plan/policies.