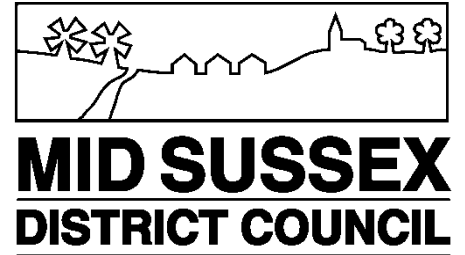


Mid Sussex District Council



Site Allocations DPD

Duty to Cooperate Statement

August 2020

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1.0 Introduction

- 1.1 The document provides an update to the [Duty to Cooperate Statement \(August 2016\)](#) that was prepared to support the Mid Sussex District Plan (March 2018). It explains the work that has been undertaken by Mid Sussex District Council during the preparation of the Site Allocations Development Plan Document to ensure that it has meant its duties under the 'Duty to Cooperate'. The Site Allocations Document is a 'daughter' document of the District Plan and seeks to ensure that the District Plan Housing and Employment requirements are delivered in full during the Plan period. The DPD also includes five strategic policies that support the delivery of sustainable development in the District.
- 1.2 The Strategic issues have been established through the Memorandums of Understanding and Statements of Common Ground that were prepared to support the District Plan. The MoU's and SoCG prepared for the Site Allocations Document form an update to the agreement's previously signed and focus on the issues arising from the allocation of sites and the additional strategic policies, where appropriate.

2.0 Duty to Cooperate

- 2.1 The Duty is a legal requirement throughout the Plan preparation process that requires local planning authorities to engage with other relevant authorities and bodies, constructively, actively and on an ongoing basis for strategic planning matters. The National Planning Policy Framework (February 2019) states that Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
- 2.2 To support the preparation of Mid Sussex District Plan a Duty to Cooperate Framework was published in 2015 (Appendix 1: [Duty to Cooperate Statement \(August 2016\)](#)). The purpose of the Framework was to establish a robust and transparent process to enable cooperation with the relevant local authorities and organisations to be demonstrated. It identifies the cross boundary strategic priorities between the local authorities and provided details of the numerous sub-regional structure and groupings that Mid Sussex District Council were part of.
- 2.3 The Duty to Cooperate Statement (August 2016) set out the engagement that had taken place with relevant local authorities and organisations during the preparation of the Mid Sussex District Plan. The Statement included Statements of Common Ground and Memorandums of Understanding that had been agreed between the relevant parties. Through this evidence that Council was able to demonstrate that it had engaged constructively, actively and on an ongoing basis in the preparation of the District Plan, and that the Duty to Cooperate had been met.

- 2.4 The Site Allocations DPD is a 'daughter document' of the District Plan. The District Plan provides the development strategy for amount and general location of the housing and employment allocations. The intention of the Council to prepare a Site Allocations Document is set out in Policy DP4 Housing of the District Plan. The Site Allocations Documents allocates sufficient land to ensure that the housing and employment requirements of the District Plan are met in full during the Plan period. Therefore, the scope of the Site Allocation Document is much more limited than that of the District Plan, so in turn, the matters which are subject to the Duty to Cooperate statement are more limited.
- 2.5 The cross boundary matters and discussions with organisations during the preparation of the Site Allocations Documents have been on the basis that the strategic issues and matters relating to District Plan strategy have been previously agreed, as evidenced through the District Plan Duty to Cooperate statement. It is on this basis that the Duty to Cooperate responsibilities have been addressed with discussion focusing primarily on-site specific issues and matters.

3.0 Strategic Issues

- 3.1 During the preparation of the District Plan a number of strategic issues that had the potential to have cross boundary implications were identified. The strategic issues were set out in the Duty to Cooperate Framework (September 2015). The implications of the strategic issues for the Site Allocations document are set below:

Housing Need

The District Plan sets out the housing requirement for Mid Sussex and provides the spatial strategy for the housing allocations. The Site Allocations Document will allocate sufficient housing land to ensure that the identified housing requirement can be met in full. The Site Allocations Document does not have a remit to re-visit the issue of housing need and therefore it is not a strategic matter for this document.

Jobs and Employment

The District Plan sets out the employment requirement for Mid Sussex and provides the spatial strategy for the employment allocations, including the identification of a broad location from the provision of a Science and Technology Park. The Site Allocations Document will allocate sufficient employment land to meet the District Plan requirements and allocates a specific site for the science park. Therefore, jobs and employment need are not considered to be a strategic matter for this document.

Infrastructure (including transport)

It is important that all allocations in the Site Allocations Document are supported by the necessary infrastructure. The Council has liaised with infrastructure providers and public bodies to ensure infrastructure requirements are

appropriately planned for. These requirements are reflected in both the Infrastructure Delivery Plan and the site-specific policies.

A transport study has been undertaken to assess the impact of the Site Allocations Document on the highway network. The findings of this report have been shared with the relevant local authorities and public bodies.

The Site Allocations Document also includes three strategic policies that support the delivery of transport infrastructure and sustainable transport network. These policies safeguard land to support the delivery of a number of transport schemes, support the expansion and upgrade of Wivelsfield Railway Station and safeguard land to support the delivery of the Burgess Hill/ Haywards Heath multifunctional network.

Ashdown Forest Special Protection Area and Special Area of Conservation

This is a strategic issue for the Site Allocations Document. A Habitat Regulation Assessment has been carried out on the Site Allocations Document. The findings of this report have been shared with the relevant local authorities and public bodies.

High Weald Area of Outstanding Natural Beauty (AONB)

The Site Allocations Document will allocate sites in the AONB in accordance with the District. Natural England and the High Weald AONB unit have been involved in the preparation of this Plan and informed the methodology for the site selection process. The High Weald AONB have provided comments on all potential sites within the AONB. The feedback received has been reflected in the shortlist of sites that have been selected for allocation within the Site Allocation Document.

Impact on South Downs National Park

The Site Allocations Document includes sites which are close to the boundary of the South Downs National Park. The representatives from the South Down National Park authority have been involved in the site selection process and provided advice to officers.

Gypsy and Traveller Accommodation

The Site Allocations Document is not allocating sites to meet the Gypsy and Traveller need. The District Plan policy DP33: Gypsies, Travellers and Travelling Showpeople sets out how the need will be met, including through a Traveller Site Allocations Development Plan Document, should this be required. Therefore, this is not a strategic matter for the Site Allocations Document.

Housing Development at neighbouring settlements

The Site Allocations Document includes sites that are close to the administrative boundary of the District. Therefore, there is the potential for some sites to impact on neighbouring settlements, particularly in relation to highways matters. This will be considered on a site by site basis and therefore has the potential to be a strategic issue.

Burgess Hill Strategic allocation

The Site Allocations Document is unrelated to the strategic allocation at Burgess Hill, therefore not a strategic issue for this Plan.

Minerals and Waste

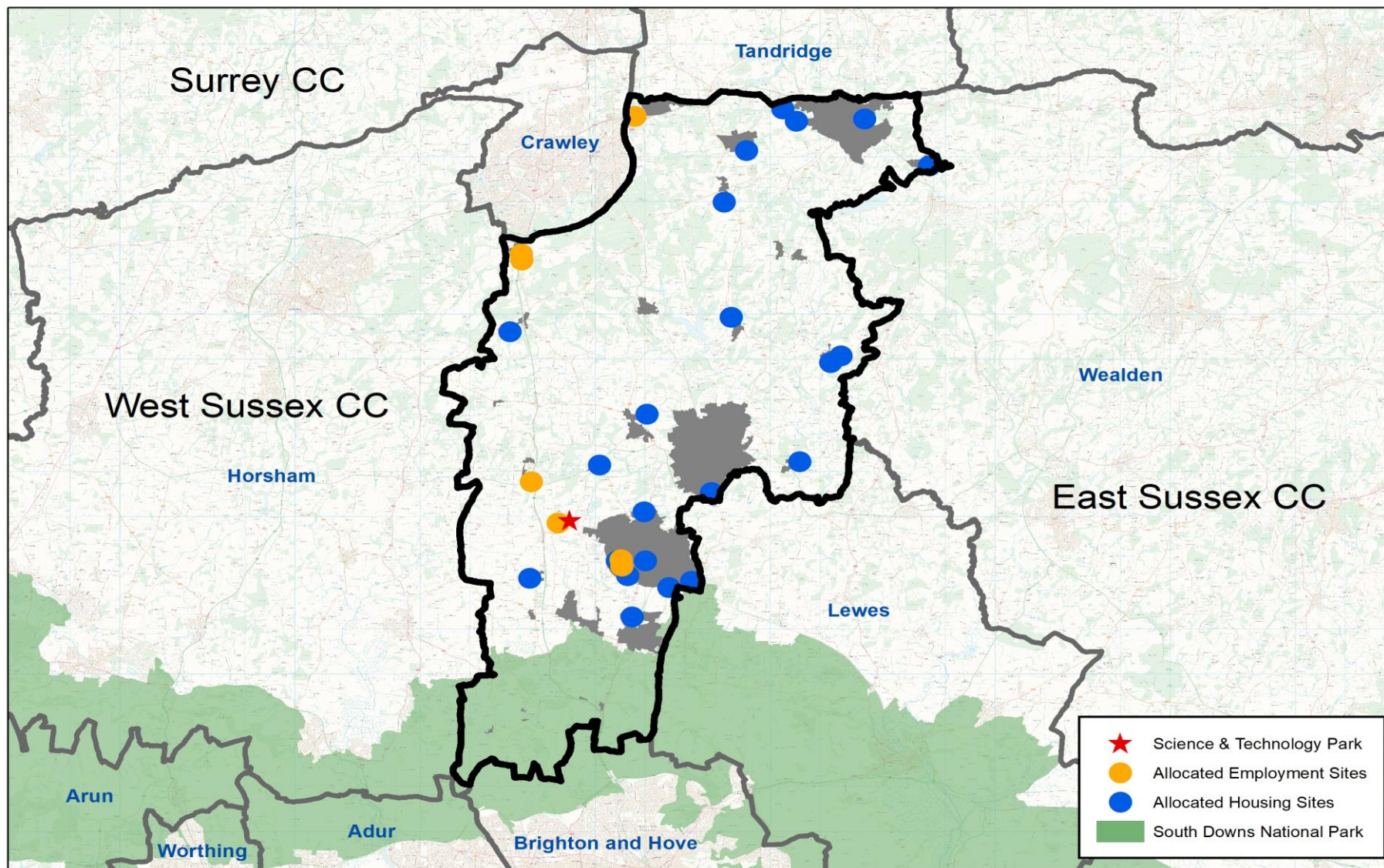
There are no strategic issues, in relation to minerals and waste that have been identified in the Site Allocation Document.

4.0 Liaison with Local Authorities

- 4.1 Neighbouring Local Authorities have been involved during the preparation of the Site Allocations Document. This engagement commenced with the development of the methodology for preparing the Strategic Housing and Employment Land Availability Assessment and the Site Selection Methodology. Neighbouring Local Authorities were invited to make comments on the proposed methodologies and feedback received was taken into account. A summary of comments received, and actions taken were reported to [Scrutiny Committee for Housing and Planning on 17th January 2018](#).
- 4.2 During the site selection process there was limited opportunity for the neighbouring authorities to be involved, until a shortlist of sites was finalised. The short list of sites then needed to be 'tested' to ensure that the sites were developable and deliverable. This has included transport modelling, Air Quality, Habitat Regulation Assessment and Sustainability Appraisal. Statutory bodies and infrastructure providers have also been consulted during the site selection process.
- 4.3 Information on the proposed allocations has been shared with neighbouring authorities along with supporting evidence to demonstrate that there is no impact on neighbouring authorities and/or any potential impacts can be mitigated. As a result of this the District Council has been able to enter into Statements of Common Ground with neighbouring authorities. A diagram that shows the relationship of Mid Sussex to its neighbouring authorities is shown in figure 1 below:

Mid Sussex District Council: Duty to Cooperate Statement

Figure 1: Site Allocation Document and Neighbouring Authorities



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4.4 The table below sets out of summary of the strategic topics that have been identified between Mid Sussex and neighbouring Local Authorities. The full statements are also available to view separately on the web site and will be updated if required.

Local Authority	Strategic Topic	Matters	Outcome
Adur & Worthing Councils	Housing provision Employment provision Transport	Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full Agreed that the allocations do not raise any cross-boundary issues Agreed that the allocations do not raise any cross-boundary issues Agreed that the transport evidence is fit-for-purpose for the purpose of preparing the DPD	Signed Statement of Common ground October 2019
Arun District Council	Housing provision	Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full Agreed that the allocations do not raise any cross-boundary issues	Signed Statement of Common ground March 2020
Brighton & Hove City Council	Housing provision Employment provision	Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full Agreed that the DPD does not seek to revisit the Spatial Strategy set out in the District Plan Agreed that the allocations do not raise any cross-boundary issues Agreed that the location for the Science and Technology Park will also support employment growth in the greater	Signed Statement of Common ground February 2020

Mid Sussex District Council: Duty to Cooperate Statement

		<p>Brighton City Regional Area.</p> <p>Agreed that the allocations do not raise any adverse cross boundary issues.</p>	
Lewes District Council	<p>Housing provision</p> <p>Transport</p> <p>Habitats Regulation Assessment</p> <p>Other Planning issues</p>	<p>Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full</p> <p>Agree to continue working together on any cross-boundary issues arising from the DPD</p> <p>Agree that a separate SOCG is prepared between MSDC, LDC and ESCC to agree the transport implications of the proposed site allocations within Lewes District</p> <p>Both parties are signatories to the Ashdown Forest SAC Statement of Common Ground in relation to air quality</p> <p>Both parties are signatories to Ashdown Forest SPA Statement of Common Ground in relation to recreational disturbance</p> <p>Agreed that other matters that may need to be considered in future planning documents include climate change, carbon reduction and renewable energy</p>	Signed Statement of Common ground July 2020
Horsham District Council	<p>Housing provision</p> <p>Employment provision</p>	<p>Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full</p> <p>Agree that on the basis of current evidence, these allocations are unlikely to raise any cross-boundary issues</p> <p>Agree that these allocations relate to need arising within</p>	Signed Statement of Common ground April 2020

Mid Sussex District Council: Duty to Cooperate Statement

	Transport	<p>Mid Sussex District and does not provided for Horsham District's employment needs.</p> <p>The parties will work towards agreeing a position that the evidence is fit-for purpose for the purpose of preparing a Site Allocations DPD.</p>	
Crawley Borough Council	<p>Housing Provision</p> <p>Employment Provision</p> <p>Transport</p>	<p>Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full, including meeting unmet needs of Crawley.</p> <p>Agreed that these allocations offer an opportunity to make a positive contribution to delivering economic development.</p> <p>The parties will work towards agreeing a position that the evidence is fit-for purpose for the purpose of preparing a Site Allocations DPD.</p>	Signed Statement of Common ground May 2020
South Downs National Park Authority	<p>Housing Provision</p> <p>Proposed Site allocations (SA 12 south 96 Folders Lane and SA13 South of</p>	<p>Agreed that the DPD is seeking to allocate sufficient sites to ensure the housing requirement is met in full.</p> <p>Agree that there are no substantial areas of disagreement between the Parties relating to the emerging Site Allocations DPD and to continue to work together proactively on the areas of ongoing work discussed in this Statement of Common Ground.</p> <p>In response to the Regulation 18 consultation of the Site Allocations DPD, the South Downs National Park Authority raised some specific matters regarding potential cross-boundary impacts of proposed allocations SA12 and</p>	Statement of Common ground agreed July 2020

Mid Sussex District Council: Duty to Cooperate Statement

	<p>Folders Lane and East of Keymer Road)</p> <p>Ashdown Forest SPA and SAC</p> <p>Transport</p>	<p>SA13.</p> <p>There has been dialogue between the two Parties to clarify these concerns. The Parties agree that the sites are able to accommodate some development, however based on the evidence currently available, the South Downs National Park Authority, with regard to SA13, has some remaining concern about whether the figure proposed (300 dwellings) can be accommodated in a way which is sensitive to the role of this area as part of the rural transition from Burgess Hill to the South Downs National Park which includes many characteristic elements of the Wealden landscape.</p> <p>Both Parties are active members of the Ashdown Forest SAC Working Group. A separate Statement of Common Ground was prepared by the group and both Parties are signatories of the Ashdown Forest Statement of Common Ground that was published in April 2018. The Ashdown Forest SAC Working Group is ongoing and both Parties continue to work together alongside the other partners of the group</p> <p>The Parties agree that the evidence is fit-for-purpose for the purpose of preparing a Site Allocations DPD.</p>	
Tandridge District Council	Strategic Highway matters	<p>Agree that transport schemes identified in Site DPD policy SA35 (Cophorne Hotel Junction and A22 corridor junctions) are required at these locations and continue to work together along with West Sussex CC and Surrey CC to progress detailed feasibility work and to assist in bringing forward scheme at these locations</p>	Signed Statement of Common ground July 2020

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	<p>Proposed Ste Allocations</p> <p>Suitable Alternative Natural Greenspace</p>	<p>Two site allocations SA19 and SA20 are in proximity to Tandridge. Both sites will make financial contributions to assist with delivering the strategic highway improvements and other infrastructure. Tandridge District Council supports this approach and the parties agree to continuing to work together on such matters so far as there are cross-boundary implications.</p> <p>Agree to continue to engage positively on an ongoing basis to ensure the proposed SANG provision at SA20 is appropriately defined and designed and makes best use of opportunity for strategic provision if this is shown to be appropriate.</p>	
<p>West Sussex County Council</p>	<p>Strategic Highway matters</p> <p>Sustainable Transport Matters</p> <p>Other transport Matters</p> <p>Transport Evidence</p>	<p>Agree that transport schemes (identified in SA35) are required at these locations and commit to continue to work together, along with Surrey CC and Tandridge District Council where appropriate to progress detailed feasibility work to assist in bringing forward schemes at these locations.</p> <p>Agree that highway infrastructure mitigation will only be considered once all relevant sustainable travel interventions (for the relevant corridor) have been fully explored and have been taken into account in terms of their level of mitigation.</p> <p>Agree that these policies (SA36 and SA37) are appropriate and commit to continue to work together, and with other partners, where appropriate.</p> <p>Agreed that the transport evidence is fit-for-purpose for the</p>	<p>Signed Statement of Common ground May 2020</p>

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	<p>Proposed Site Allocations</p> <p>Education</p>	<p>purpose of preparing the DPD</p> <p>Agree these allocations represent an appropriate strategy, and in particular, that the policy wording that overlaps with county responsibilities reflect ongoing engagement between the parties. This does not preclude the parties for continuing to work together and refining the policy wording up to submission of the Publication version of the plan.</p> <p>With regards to SA20 West Sussex confirms its support for the proposed expansion of Imberhorne Upper School created by the re-location of and amalgamation with Lower School (subject to viability testing).</p>	
Surrey County Council	<p>Strategic Highway Matters</p> <p>Proposed Site Allocations</p> <p>SA19: Land south of Crawley Down Road</p>	<p>Agree and recommend that detailed modelling of the A22/A264 corridor is undertaken to accurately assess the impacts of any junction improvement works and to determine that extent of additional improvements required and to identify the most appropriate solution.</p> <p>Two site allocations SA19 and SA20 are in proximity to the Surrey County Council. Agreed that the parties will work towards agreeing these allocations do not rise any cross-boundary issues and offer an opportunity to make a positive contribution to delivering strategic infrastructure. This may be confirmed by way of an update to this Statement at a later stage.</p> <p>Surrey County Council does not raise any objection to the highway access to this site which crosses administrative boundaries.</p>	Signed Statement of Common ground June 2020

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	SA20: Imberhorne	Parties will work towards agreeing these allocations do not raise any cross-boundary issues in relation to the proposed expansion of Imberhorne School, provision of land and financial contribution towards primary school and pre-school on site.	
	Other	No objection to provision GP on site or financial contribution. Agree that there are no areas of disagreement between the parties relating to the emerging Sites DPD and to continue to work together on the area of ongoing work discussed in the SOCG.	
East Sussex County Council	Transport	Liaison with East Sussex is ongoing regarding cross boundary transport matters. East Sussex are seeking further clarification regarding traffic movements generated by the site allocations.	

5.0 Statements of Common Ground with public bodies

- 5.1 The Council has engaged with public bodies during the preparation of the Site Allocations Document to ensure that sites are supported by appropriate infrastructure. As a result of this the District Council has been able to enter into Statements of Common Ground or Position Statements. The table below sets out further details regarding the strategic matters that have been addressed. The full statements are also available to view separately on the web site and will be updated if required.

Mid Sussex District Council: Duty to Cooperate Statement

Public Body	Strategic Topic	Matters	Outcome
Environment Agency	<p>Proposed Site Allocations</p> <p>Sites partially within Flood zones 2 and 3</p>	<p>Agreed these allocations represent an appropriate strategy, and in particular, that the Environment Agency's responsibilities and reflect ongoing engagement between the parties.</p> <p>A Sequential Floodrisk Test has been undertaken in accordance with the Environment Agency advice.</p>	Signed Statement of Common ground February 2020
Highways England	Transport	Liaison between Highways England and West Sussex County Council and this Council is continuing. This is in relation to the impact of the Science and Technology Park on the Strategic Road network (A23).	Discussion on going
Natural England	<p>Proposed Site Allocations</p> <p>Ashdown Forest SPA and SAC</p> <p>High Weald AONB</p>	<p>Agreed these allocations represent an appropriate strategy, and in particular, that the policy wording overlaps with Natural England's responsibilities and reflects ongoing engagement between the parties.</p> <p>Both parties are signatories to the Ashdown Forest SAC Statement of Common Ground in relation to air quality</p> <p>Both parties are signatories to Ashdown Forest SPA Statement of Common Ground in relation to recreational disturbance</p> <p>Whilst Natural England recognises that, under the NPPF, whether a proposal is 'major development' is a matter for the local authority as decision maker, it welcomes the consultation by Mid Sussex District Council on this matter</p>	Statement of Common ground agreed but awaiting signature

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		and agrees with the methodology and assessment of the site allocations in the 'Major Development in the High Weald AONB Topic Paper'.	
Historic England		<p>Response at Regulation 18 indicated some site should undertake a Heritage Impact Assessment (HIA). The Council has encouraged sites referred to do so if hadn't done so already and the policy requirement updated to reflect this.</p> <p>The HIA received will be available to view for the Reg 19 consultation.</p> <p>Discussion with HE and the local authority is ongoing ahead of the Reg 19 consultation.</p>	<p>Initial contact with Historic England advised that they would not expect to agree a SOCG with the LPA until the Examination stage.</p> <p>'Letter of Comfort' provided July 2020.</p>
South East Water Ltd	<p>Quantum of Development</p> <p>Proposed Site Allocations</p>	<p>Agreed that sites DPD seeks to address the residual needed to meet the housing requirement already identified and established by the District Plan. On this basis, the level of growth is within the headroom already considered.</p> <p>Agreed these allocations represent an appropriate strategy, and in particular, that South East Water's responsibilities reflect ongoing engagement between the parties.</p> <p>Agreed that there are no areas of disagreement between the parties relating to the emerging sites DPD.</p>	Signed Statement of Common ground October 2019
Thames Water Utilities	Proposed Site Allocations	Agreed that there are no areas of disagreement between the parties relating to the emerging Sites DPD. Thames Water require more detail on the development proposals to comment further on the sewerage network and wastewater	Signed Statement of Common ground October 2019

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		treatment capacity.	
West Sussex Clinical Commissioning Group	Proposed Site Allocations	<p>Agreed these allocations represent an appropriate strategy, and in particular, that the policy wording that overlaps with WSCCG responsibilities reflect ongoing engagement between the parties.</p> <p>Agreed that there are no areas of disagreement between the parties relating to the emerging sites DPD.</p>	Signed Statement of Common ground July 2020
High Weald AONB unit		<p>Whilst not a statutory body the officers have worked closely with the AONB unit during the site selection process and the methodology for the assessment of major development in the AONB, alongside Natural England.</p> <p>A 'position statement' is being sought with the AONB unit to set out the liaison that has taken place</p>	On going
Scotia Gas network	Proposed Site Allocations	<p>Agreed these allocations represent an appropriate strategy, and in particular, that the policy wording that overlaps with Scotia Gas Network responsibilities reflect ongoing engagement between the parties.</p> <p>Agreed that there are no areas of disagreement between the parties relating to the emerging sites DPD.</p>	Signed Statement of Common ground September 2019
Southern Water	Proposed Site Allocations	<p>Since it is not a public body, nor is it included within the Town & Country Planning Regulations 2012 as a prescribed body under Section 4(1) Duty to Cooperate. Other mechanisms are in place to ensure that water companies deliver the infrastructure required to cater for growth, across all water and/or wastewater catchments, whilst maintaining prescribed standards of protection of the</p>	Email response October 2019 confirms position not to enter SOCG

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		environment.	
UK Power Networks	Proposed Site Allocations	<p>Agreed these allocations represent an appropriate strategy, and in particular, that the policy wording that overlaps with UK Power Networks responsibilities reflects ongoing engagement between the parties.</p> <p>Agreed that there are no areas of disagreement between the parties relating to the emerging sites DPD.</p>	Signed Statement of Common ground July 2020

6.0 Conclusion

- 6.1 This statement sets out how the District Council has worked with neighbouring Local Authorities and Statutory bodies during the preparation of the Site Allocation Document. This statement sets out the key strategic issues that have been identified as relevant to the preparation of the Document and then how any cross boundaries matters arising have been addressed. Ongoing engagement with statutory bodies, including infrastructure providers is also documented, to ensure growth it meet with the necessary infrastructure.
- 6.2 The Statement demonstrates that the Council has had effective and on-going joint working with neighbouring authorities and relevant bodies during the preparation of the Site Allocations Documents, to ensure that the Plan has been positively prepared and is justified.