

MSDC response to Action Point AP-011

Action Point AP-011

Council to prepare a note on why a Statement of Common Ground with the Strategic Planning Board has not been produced

Key points

In summary:

- **Mid Sussex District Council has engaged actively on an ongoing basis with the West Sussex Greater Brighton (WSGB) Strategic Planning Board and Officer group.**
- **This Council remains committed to working with WSGB to address unmet need.**
- **The Council has fulfilled its obligations to engage jointly and proactively with the group, as set out in policy DP5 of the adopted District Plan.**
- **Work to agree LSS3 has not progressed as expected due to circumstances beyond this Council's control and the current position is very different to the position at the time of adopting DP5.**
- **There is ongoing commitment from the WSGB group to work collectively longer term, however the short-term position is unclear as a result of water neutrality, increasing housing need, availability of potential site options and potential planning reforms.**
- **WSGB group have paused the LSS3 work with respect to the current set of emerging Local Plans across the sub regions. It is agreed that this work will recommence when the position with respect to the matters listed above is more certain.**
- **Other authorities in the WSGB group with Plans adopted post 2018, or currently at examination have not relied or are not relying on LSS3 to influence their plans (see appendix one).**

1. Context – Strategic Planning Board

Geography

1. The West Sussex and Greater Brighton Strategic Planning Board ('WSGB') was formed in October 2012 to identify and manage strategic planning issues within that area. It was initially made up of the Coastal authorities:
 - Adur
 - Arun
 - Brighton and Hove
 - Chichester
 - Lewes
 - Worthing
 - West Sussex County Council
2. Membership was subsequently expanded, with Mid Sussex joining in 2014. By 2018, the Board included Crawley, Horsham and South Downs National Park Authority.

Objective

3. The Board comprises lead Councillors from each of the authorities and works in an advisory capacity – all decision-making is made through individual member authorities. It is supported by an Officer group comprising lead officers (e.g. director/assistant director with responsibility for Planning and Head of Planning Policy or equivalent).
4. The Board's remit is to:
 - identify and manage spatial planning issues that impact on more than one local planning area within WSGB; and,
 - support better integration and alignment of strategic spatial and investment priorities in WSGB, ensuring that there is a clear and defined route through the statutory local planning process, where necessary.

Local Strategic Statement - Context

5. In 2013 a Local Strategic Statement (LSS), which sets out long term Strategic Objectives and Spatial Priorities for delivering these, was endorsed by each of the then constituent authorities. In 2015 the LSS was updated through a focused 'refresh' – **LSS2** which included the original LSS1 authorities plus Mid Sussex.
6. LSS2 includes updated Strategic Objectives covering the period 2015 to 2031 and Spatial Priorities for the period 2015-2025.

7. The strategic objectives for LSS2 were:
 - **Strategic Objective 1:** Delivering Sustainable Economic Growth
 - **Strategic Objective 2:** Meeting Strategic Housing Needs
 - **Strategic Objective 3:** Investing in Infrastructure
 - **Strategic Objective 4:** Managing Environmental Assets and Natural Resources

8. The spatial priorities for LSS2 were:
 - **Spatial Priority 1:** Shoreham Harbour and Brighton Airport, Shoreham (Adur)
 - **Spatial Priority 2:** Chichester City/Tangmere/Bognor Regis (Chichester / Arun)
 - **Spatial Priority 3:** Littlehampton (Arun)
 - **Spatial Priority 4:** Worthing's Key Town Centre Sites (Worthing)
 - **Spatial Priority 5:** Greater Brighton City Region (all)
 - **Spatial Priority 6:** Brighton Seafront and City Centre (Brighton and Hove)
 - **Spatial Priority 7:** Burgess Hill (Mid Sussex)
 - **Spatial Priority 8:** Newhaven (Lewes)
 - **Spatial Priority 9:** Rural Sussex (all – with South Downs National Park Authority)

9. These objectives and spatial priorities informed the current suite of adopted Local Plans (including the adopted Mid Sussex District Plan 2014-2031).

10. At its meeting in September 2017, the Board agreed to commence work on LSS3 to cover the period to 2050. LSS3 aims to identify spatial planning issues that impact across the wider area and agree spatial and strategic priorities to guide longer term growth in a coordinated and well considered manner.

11. Much like LSS1 and LSS2, LSS3 is to be prepared as a non-statutory strategic planning framework. It will set out conclusions reached by its evidence base and potential options for growth. It will not be a formally adopted/statutory Local Plan or Joint Local Plan – instead it will guide production of individual Local Plans where appropriate.

12. The Board agreed to commission work to provide an evidence base to support the development of a longer-term strategy to address spatial options for meeting housing, employment and infrastructure needs over the period to 2050. Evidence studies identified are:
 - Need and Capacity
 - Mapping strategic constraints (i.e. those identified in the NPPF)
 - Review of existing and emerging growth locations and key constraints
 - Landscape Sensitivity and Capacity for change
 - Economic Geographies

- Transport Constraints and Opportunities
- Sustainability Appraisal and Habitats Regulations Assessment

13. To date these studies have not been completed for the reasons explained in subsequent sections.

2. LSS3 – Current Position

14. In 2017, to support work on LSS3, the WSGB board commissioned and published a study confirming the Housing Market Area and Functional Economic Market Area boundaries within the sub-region.

15. For Mid Sussex, this confirmed its position primarily within the Northern West Sussex HMA (alongside Crawley and Horsham) and an overlap with the Sussex Coast HMA (Adur, Arun, Brighton & Hove, Horsham, Lewes and Worthing) in the south of the District. There is no overlap with the Chichester and Bognor Regis HMA (Arun and Chichester).

16. All partner authorities committed funding to drive work on LSS3 forward. In mid-2020 a Specialist Advisor was appointed dedicated to preparing a joint Statement of Common Ground and to commission joint evidence studies to inform potential objectives and spatial options. This work commenced however was not completed due to circumstances beyond the respective authorities' control, namely:

- Water Neutrality
- Increasing Housing Need (the Standard Method)
- Withdrawal of potential site options

17. In mid-2021 a draft Statement of Common Ground was circulated however was not finalised.

Water Neutrality

18. In September 2021, Natural England published a Position Statement related to Water Neutrality in the Sussex North Water Resource Zone (WRZ) which impacts Chichester (in part), Crawley (in part), Horsham, Mid Sussex (in part) and the South Downs National Park (in part). Natural England advised that any new development in these areas must not add to negative impacts on wildlife sites in the Arun Valley and must be water neutral – i.e. total water use in the region after the development must be equal (or less) than total water use before the development.

19. This has presented a unique and complex issue. This is believed to be the first instance in England where local authorities have had to demonstrate Local Plans

are water neutral.

20. Since 2021 finding a strategic solution has involved significant joint working between the impacted authorities, Government and water companies. This position has had significant impacts on Local Plan production as well as determination of planning applications.
21. Chichester District, Crawley Borough and Horsham District Councils commissioned a water neutrality study, with the final element (the Part C Study) published in November 2022. Among other things, it recommended an approach of minimising water use in new development and for the Councils to establish a water offsetting scheme to ensure water neutrality. Collectively the focus of all the authorities affected by water neutrality has been on work to allow the approach to be implemented. This work continues. Evidence base work assessing and analysing potential options for growth would have been abortive until the Water Neutrality issue was better understood. Therefore, commissioning the evidence work to support LSS3 was paused.
22. For more information a separate Water Neutrality Topic Paper [ENV13] can be found in the Mid Sussex examination library.

Increasing Housing Need

23. In February 2018 the Government introduced the Standard Method for calculating housing need. This post-dates the preparation and adoption of the current suite of adopted Local Plans.
24. The introduction of the Standard Method has increased housing need by 2,631 dwellings per annum. This is 40% above the need identified in adopted plans for in the sub-region.

	Adopted Plan Need (dpa)	Standard Method (April 2024) (dpa)	Difference – Adopted Need vs Standard Method (dpa)
Adur	325	449	124
Arun	919	1,342	423
Brighton and Hove	1506	2,319	813
Chichester	505	760	255
Crawley	675	755	80
Horsham	650 ¹	917	267

¹ The adopted Horsham Development Planning Framework (2015) contained a housing requirement of 800dpa, with 150dpa of this total identified to meet needs in Crawley. The adopted Mid Sussex District Plan (2018) included provision of approximately 1,500 dwellings in excess of meeting its own need to ensure Crawley's unmet housing need would be met in full.

Lewes	520 ²	777	257
Mid Sussex	876 ¹	1,039	163
Worthing	636	885	249
TOTAL	6,612	9,243	+2631

Note: The South Downs National Park covers part of all authorities except Crawley. Figures above are for the whole authority area and therefore include the National Park.

25. The ability for each of the authorities to meet their own need (before making any consideration of over-supply to meet HMA needs) is becoming more challenging compared to the most recently adopted plans and the position in 2018 when the Mid Sussex District Plan was adopted. The impact of the overall increase in unmet need clearly demonstrates a continued need for a sub-regional approach in the longer term. The recent Water Neutrality position significantly impacts on the ability of councils in the area to address this unmet need through the current reviews of Local Plans (i.e. the short term).

Site Options

26. Options to address unmet need arising in the sub area are likely to rely on large-scale strategic sites to address such a quantum of need in a sustainable manner.
27. Historically, a strategic site known as Mayfield Market Town had been promoted for development for 10,000 dwellings in the Horsham and Mid Sussex Local Plan processes to meet wider sub-regional need in the WSGB area. Both Horsham and Mid Sussex councils rejected this site when preparing their current respective Local Plans, and this position was accepted at examination. This site is no longer being promoted and has been withdrawn from consideration. Therefore, this is not an available or deliverable option. No similar sized sites have been promoted or identified by the Council and all other significant sized sites have been considered as part of the Mid Sussex Site Selection Process.

3. LSS3 and Mid Sussex District Council – Context

28. In 2016 Mid Sussex District Council submitted its District Plan 2014-2031 for examination. In March 2018, the Inspector concluded that the District Plan was capable of adoption and the Plan was adopted by Council later the same month.

² Lewes Local Plan Part 2, Adopted February 2020, and also set out in May 2021 for how it would disaggregate this between its area and that which falls into the SDNP for the purposes of the 5YHLS calculations. This gives the local plan for which the council is the planning authority a housing need of 275dpa. This is available from the councils' website https://www.lewes-eastbourne.gov.uk/media/2499/Approach-to-Calculating-Local-Housing-Need-for-purposes-of-Five-Year-Housing-Land-Supply/pdf/Approach_to_Calculating_Local_Housing_Need_for_purposes_of_Five_Year_Housing_Land_Supply.pdf?m=1684774473367

29. The Inspector recognised that Mid Sussex is a partner in the WSGB group and that the authorities were collaborating on LSS3 [BD4, para 25]. The Inspector noted that *“developing a multi-authority spatial strategy based on an understanding of environmental, infrastructure and demographic factors is a complex process”* and that there was not enough evidence at that time for conclusions to be reached on apportioning growth or to support any particular strategy.
30. The Inspector introduced a new policy [DP5: Planning to Meet Future Housing Need] to indicate the Council will work with all neighbouring local authorities on an ongoing basis to seek to address unmet housing need:

“DP5: Planning to Meet Future Housing Need

The Council will continue to work under the ‘Duty to Co-Operate’ with all other neighbouring local authorities on an ongoing basis to address the objectively assessed need for housing across the Housing Market Areas, prioritising the Northern West Sussex HMA as this is established as the primary HMA

The Council will work jointly and proactively with the Gatwick Diamond and the West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub region.

The Council’s approach will ensure that sites are considered and planned for in a timely manner and will be tested through a robust plan-making process, as part of a review of the Plan starting in 2021, with submission to the Secretary of State in 2023”

31. The supporting text to the policy also re-affirms the significant unmet need arising in the sub-region and that it requires a sub-regional response to ensure a spatial strategy which includes all options for growth is developed holistically across the sub-region. The significant unmet cannot be met through individual Local Plans. Note that the date was inserted to coincide with the regulatory/policy requirement to review and update Local Plans every 5 years and is not directly related to any target date for completing LSS3.
32. As per the policy requirement, Mid Sussex District Council has continued to play an active role in the WSGB group. The Council is not the lead authority (the group has historically been facilitated by chief officers at Worthing Borough Council) but has engaged constructively and on an ongoing basis with it.
33. Work has not progressed as quickly as initially expected for the reasons set out in previous sections. Therefore, to date, no conclusions have been reached by the WSGB Board on apportioning growth or to any particular strategy. It has therefore not been possible for this work to influence emerging Local Plans within the WSGB area.

4. LSS3 – Plan Reviews

34. Of the authorities within the WSGB area, Worthing (2023) and Crawley (2024) have adopted reviews of their Local Plans. Both authorities have significant unmet need due to their constraints.

35. Worthing’s Inspector’s Report³ (paragraphs 15-16) concluded:

“The Councils are collectively working on measures to help deliver housing and employment. They are also in the process of preparing an updated Local Strategic Statement (LSS). Version 3 of the document will explore options for meeting unmet needs across the area and will develop a long-term strategy for the sub-region for the period 2030-2050. This will be a non-statutory strategic framework to guide the future location and delivery of development. While this may not be the solution that everybody wishes to see, it is nevertheless clear evidence of long-term and ongoing engagement between authorities on strategic matters.”

36. Crawley’s Inspector’s Report [O8, paragraph 26] concluded:

“Whilst none of the prescribed bodies have asserted that Crawley has not met the DtC, there is a general concern regarding potential impacts arising from a lack of coordinated planning for growth around Crawley. Whilst the Gatwick Diamond Local Strategic Statement and West Sussex and Greater Brighton Local Strategic Statement provide a degree of strategic framework for plan preparation these are high-level, non-statutory documents.”

37. Both Inspector’s noted the current position of LSS3 but did not place any reliance on its completion when concluding that both Worthing and Crawley’s Local Plans were ‘sound’.

38. Chichester District Council and Horsham District Council have also submitted Local Plan reviews and are currently at examination. Both authorities refer to the ongoing engagement with WSGB and active participation in preparing LSS3 to the same degree as Mid Sussex District Council. As there are no emerging findings from LSS3 they too can not reflect these in their Plans.

5. WSGB Statement of Common Ground – Current Position

39. A draft Statement of Common Ground was prepared by the WSGB authorities in 2021. This was intended to be a jointly agreed statement to outline the relationships between the authorities, the active and effective work to date, strategic geographical context and cross-boundary matters, and a proposed work programme.

³ <https://www.adur-worthing.gov.uk/media/Media,168683,smxx.pdf>

40. Given the Water Neutrality position emerging in late 2021 further work on the Statement of Common Ground was put on hold as resources were redirected to deal with this significant and complex issue.
41. It is this Statement of Common Ground that is referred to in the Duty to Co-Operate statement [DC1, paragraph 13]. As noted in response to Action Point 013, Mid Sussex has proactively sought (alongside its Northern West Sussex partners) to progress the Statement of Common Ground. However, to date it has not been signed.
42. In December 2023, instigated by the Northern West Sussex authorities, officers met with WSGB partners to discuss progress and next steps for the group. Not all WSGB partners were represented and as it was not a formal Board meeting. However, those in attendance confirmed their commitment to continuing to develop LSS3 as a means of addressing long term housing and other needs in the sub-region, but that it should be 'paused' for the following reasons:
 - Water Neutrality means the short-term position is unclear
 - Potential planning reforms, including replacement of the Duty to Co-Operate with other mechanisms, may mean short term work is abortive.
43. It was agreed that LSS3 could not support the current set of Plans in progress (including the Mid Sussex District Plan), but all were committed to active engagement and co-operation longer-term 2050 including influencing the next set of plans when the position will be clearer. Funding has been retained to progress this work at the appropriate time. LSS3 is therefore 'paused' but not abandoned.

APPENDIX 1: Local Plan Timelines (November 2024)

Authority / Organisation	Adopted Local Plan (at time LSS3 was approved to commence)	Review Local Plan - Status
ARUN	Arun Local Plan (2011-31) adopted July 2018	In Progress
ADUR	Adur Local Plan (2011 - 32) adopted December 2017	In Progress
BRIGHTON & HOVE	City Plan Part One (2010-30) adopted March 2016 City Plan Part Two (Development Management and additional Site Allocations) adopted October 2022	In Progress
CHICHESTER	Chichester Local Plan (2014-29) adopted 2015	Submitted May 2024, at examination
CRAWLEY	Crawley Local Plan (2015-2030) adopted December 2015	ADOPTED October 2024
HORSHAM	Horsham Local Plan (2011-31) adopted Nov 2015	Submitted July 2024, at examination
LEWES	Lewes Local Plan Part 1 (2010-2030) Joint Core Strategy with SDNPA adopted May 2016 Lewes Local Plan Part 2: Site Allocations and Development Management Policies adopted Feb 2020.	In Progress
MID SUSSEX	Mid Sussex Local Plan (2014-31) adopted March 2018	Submitted July 2024, at examination
WORTHING	Worthing Core Strategy (2011-36) adopted 2011	ADOPTED March 2023
SOUTH DOWNS NATIONAL PARK	South Downs Local Plan (2014-33) adopted July 2019	In Progress

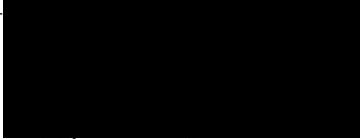
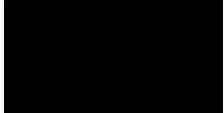
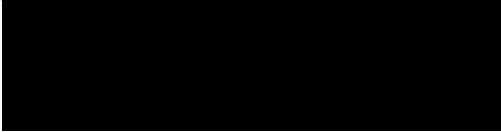
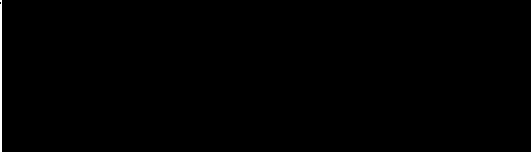
Note: Minerals and Waste Local Plans have also been adopted by relevant authorities however are not included here as they are not directly related to this Action Point.

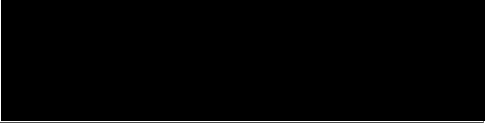
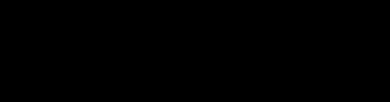
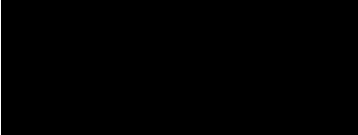

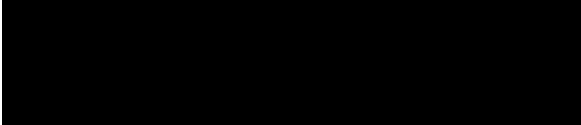
APPENDIX 2: WSGB Partner Authorities Position

The position set out in the following sections of this document reflect a true and accurate record and is supported by the signatories below.

1. Context – Strategic Planning Board
2. LSS3 – Current Position
4. LSS3 – Plan Reviews
5. WSGB Statement of Common Ground – Current Position

Section 3 is for Mid Sussex District Council.

Adur & Worthing Councils	 Signed: _____ Title: Gary Peck – Interim Head of Planning and Development Date: 18/11/2024
Arun District Council	Signed: _____  Title: Neil Crowther, Group Head of Planning Date: 19/11/2024
Brighton and Hove City Council	Signed: _____  Title: Steve Tremlett – Interim Planning Policy Manager Date: 15/11/2024
Chichester District Council	Signed: _____  Title: Tony Whitty – Divisional Manager, Planning Policy Date: 18/11/2024

Crawley Borough Council	Signed:  Title: Clem Smith – Head of Economy and Planning Date: 18/11/2024
Horsham District Council	Signed:  Title: Catherine Howe – Head of Strategic Planning Date: 15/11/2024
Lewes District Council	 Signed: Title: Nadeem Din – Head of Policy (Planning) Date: 21/11/2024
Mid Sussex District Council	 Signed: Title: Ann Biggs – Assistant Director for Planning and Sustainable Economy Date: 15/11/2024
South Downs National Park Authority	Signed:  Title: Claire Tester – Planning Policy Manager Date: 15/11/2024

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West Sussex County Council	 Signed: Title: Mike Elkington – Head of Planning Services Date: 15/11/2024
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