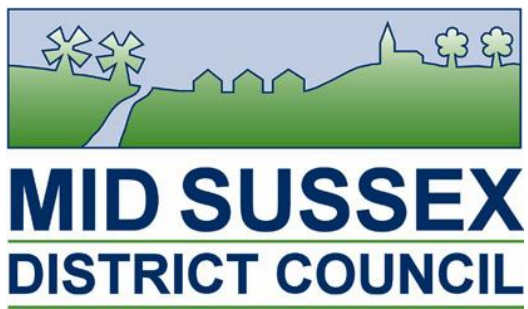


## **Draft Duty to Cooperate Framework**



**June 2014**

## 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 Government's 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.

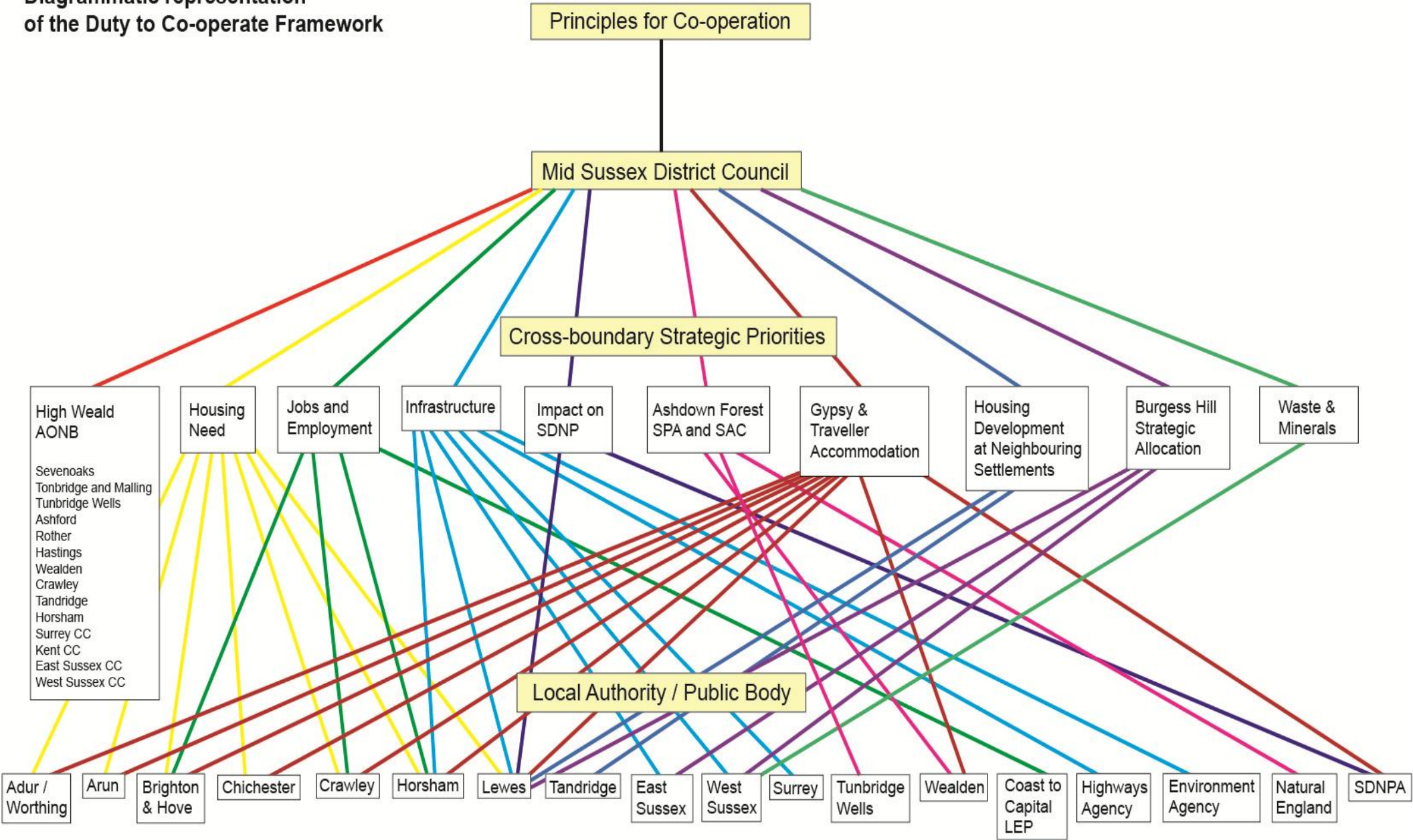
### **Cross-boundary strategic priorities**

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)
- Jobs and employment development (Brighton & Hove, Crawley, Horsham, Coast to Capital LEP)
- Infrastructure (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)
- 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.

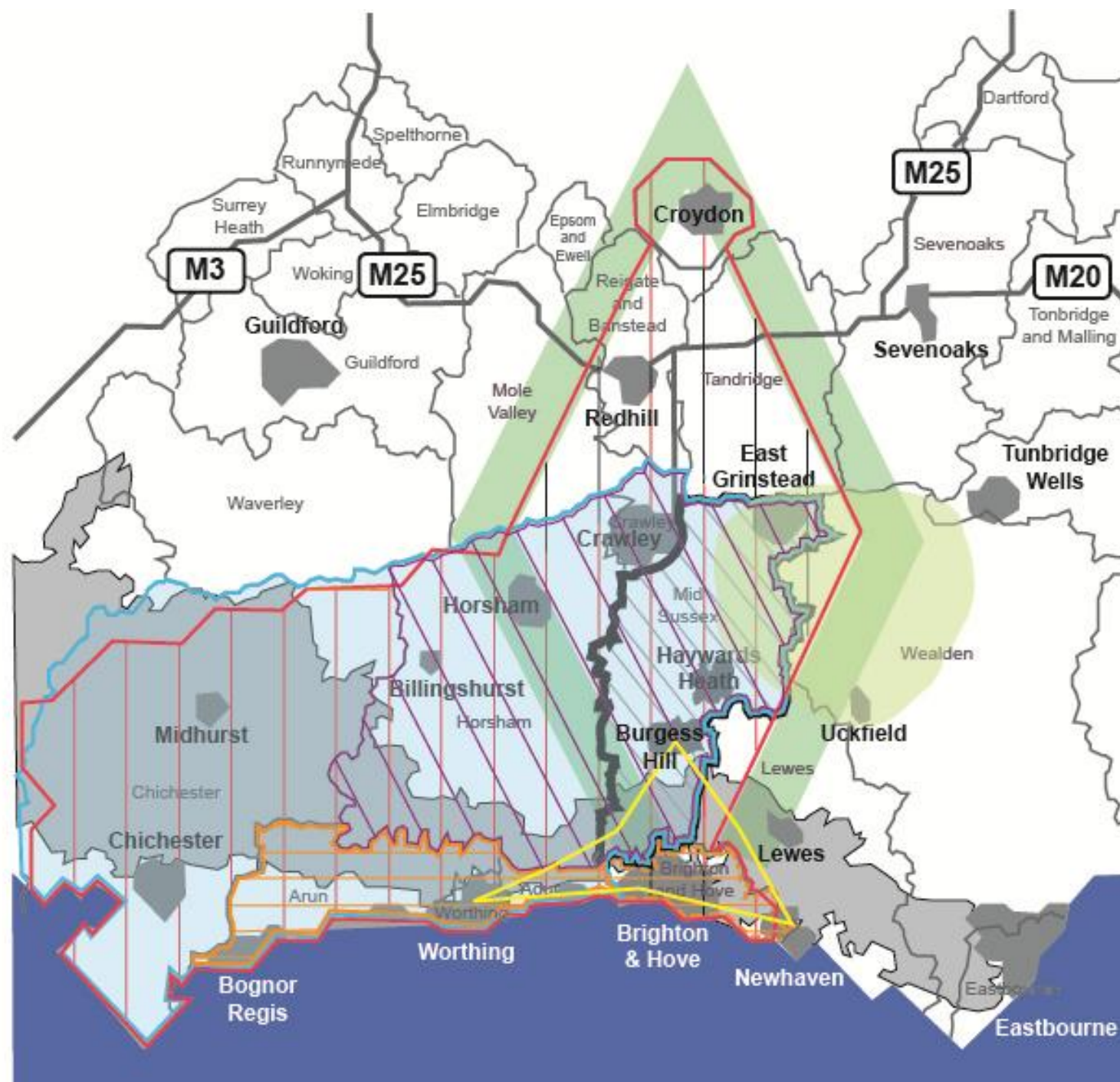
The Gatwick Diamond's vision is 'to be an internationally recognised world-class, business location achieving sustainable prosperity'. It has four thematic groups to take forward this vision, one of which is the Grow Group, chaired by the Chief Executive of Horsham District Council. The objectives of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

### **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 public bodies. The MoUs will be signed by a Chief Officer and Leader of the Council. 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</i> - National Park and setting  <i>Housing</i> - Gypsy and traveller accommodation	Hold Member and officer meetings  Liaise over production of the District Plan  Agree memorandum of understanding	Setting of National Park policy  Duty to cooperate raised at the SDNP Planning Committee	
Adur/Worthing District Councils	<i>Housing</i> – housing need  <i>Housing</i> - Gypsy and traveller accommodation	Hold Member and officer meetings  Agree memorandum of understanding	Outstanding objection to MSDC on the duty to cooperate  Further discussion needed and housing issues remain unresolved, including Housing Market Areas and Duty to Cooperate Study	
Arun District Council	<i>Housing</i> - housing need  <i>Housing</i> - Gypsy and traveller accommodation	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 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 memorandum of understanding	See North West Sussex Authorities Ongoing liaison over Neighbourhood Planning	

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
	traveller accommodation			
West Sussex County Council	<i>Infrastructure</i> - waste and minerals <i>Housing</i> - Burgess Hill strategic development <i>Infrastructure</i> - transport <i>Infrastructure</i> - education <i>Infrastructure</i> - S106 and Community Infrastructure Levy	Member and officer meetings Involvement in the Burgess Hill Steering Group Have discussions through the Joint Planning Board Liaise at Member and officer level	Informal comments on the District Plan in relation to completion of Stage 2 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	Political forum to discuss and coordinate joint planning issues and working arrangements between local planning authorities in West Sussex Supported by Chief Planning Officers and Planning Policy Officers Groups	Participate in regular meetings	The groups will continue to meet on a regular basis.	There are formal terms of reference for Joint Planning Board 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>

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)	<i>Housing</i> – housing need <i>Economic growth</i> - employment <i>Infrastructure</i> – strategic infrastructure	Production of joint evidence base Agree common methodology for Strategic Housing Land Availability Assessment Draft terms of reference for joint working Production of joint position statement Senior Member and officer meetings	Publication of a joint position statement for examination Outstanding work around housing numbers to be completed shortly (will be included within the Joint Position Statement) Economic Growth Assessment jointly commissioned	<i>Crawley Borough Council</i> <i>Horsham District Council</i> <i>Mid Sussex District Council</i>
Brighton and Hove City Council (shared boundary)	<i>Housing</i> – housing need <i>Economic growth</i> – employment allocations	Hold Member and officer meetings Agree memorandum of understanding	Outstanding objection to MSDC on the duty to cooperate Further discussion needed and housing and economic growth issues remain unresolved, including HMA areas (North West Sussex authorities not engaged in production of SHMA) Potential to secure	

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
			Statement of Common Ground focusing on employment growth	
Lewes District Council (shared boundary)	<i>Housing</i> – housing Need <i>Infrastructure</i> - transport <i>Character and environment</i> - impact on National Park <i>Character and environment</i> - Ashdown Forest Special Protection Area and Special Area of Conservation <i>Housing</i> – development at Burgess Hill (Lewes) <i>Housing</i> – development at Haywards Heath MSDC)	Hold Member and officer meetings  Consult on respective SHLAA methodologies  Agree memorandum of understanding	Lewes outstanding objection to MSDC on the duty to cooperate  Further discussion needed to resolve housing issues related to the Duty to Cooperate Study  MSDC outstanding objection to Lewes Local Plan for proposed development at Haywards Heath (planning application subject to appeal)	
Wealden District Council (shared boundary)	<i>Character and environment</i> - Ashdown Forest Special Protection Area and Special Area of Conservation	Hold Member and officer meetings  Agree memorandum of understanding  Contribute to and agree a SAMM strategy	Continuing work on a joint Strategic Access Management and Monitoring strategy  Continuing work on other Habitat Regulations issues	<i>Also involves Lewes District Council, Tunbridge Wells Borough Council, Natural England and the Conservators of Ashdown Forest</i>



Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
East Sussex County Council (shared boundary)	<i>Infrastructure</i> - transport (Burgess Hill)	Hold Member and officer meetings	Outstanding objection from the County Council to the proposed submission District Plan in relation to impact of traffic in Lewes District – could be resolved through Stage 2 of the Mid Sussex Transport Study	
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, 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	Outstanding duty to cooperate objection resolution possible through a Statement of Common Ground on legal test  Further discussion needed as	*Adur/Worthing Councils, Arun District Council, Brighton and Hove City Council, Chichester District Council, Lewes District Council

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
			soundness housing issues remain unresolved  Duty to Cooperate Study (North West Sussex authorities engagement in the production)	
Coast to Capital Local Economic Partnership	LEP Strategic Economic Plan	Participate in meetings 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 memorandum of understanding	EA recommended wording changes to two policies in the proposed submission District Plan	
Highways Agency	Impact of development on the M23/A23 Trunk road	Meetings with officers  Agree memorandum of understanding	Additional work as progress is made on the strategic allocation at Burgess Hill  HA have proposed wording	

Bodies or Organisations	Strategic Issues (and how they relate to the District Plan Strategy)	What MSDC will do	Outstanding Work	Notes
			changes to policies DP5 and DP8.	
Natural England	<p>Ashdown Forest Special Protection Area and Special Area of Conservation</p> <p>High Weald AONB</p>	<p>Emails and letters, meetings and advice</p> <p>Will arrange meetings on HRA, SANG, SAMM and other Habitat Regulations issues</p>	<p>Agreement to continue working with MSDC and others on the development of the Strategic Access Management and Monitoring strategy for Ashdown Forest and the provision of SANG in MSDC</p>	<p>Also need to liaise with High Weald AONB Unit</p>

## 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.

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Cabinet Member for Planning  
Mid Sussex District Council

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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.