

Submission City Plan Part One

Brighton & Hove City Council's Local Development Framework

October 2014

Duty to Cooperate Update Paper October 2014



**Brighton & Hove
City Council**

Duty to Cooperate Update Paper

Introduction

The City Council published a Duty to Cooperate Compliance Statement to accompany the Submission version of the City Plan Part 1 in summer 2013. This detailed the measures which had been taken to comply with the Duty to Cooperate up to the point of submission.

The examination hearings took place in October 2013, and the Inspector issued a letter to the City Council in December 2013 detailing her initial conclusions on a number of soundness issues. In her letter, the Inspector stated that “the Council has sought to engage positively with neighbouring authorities in the region” and stated that her initial conclusion was that the legal requirement of the Duty under Section 33a of the Planning and Compulsory Purchase Act 2004 had been met.

It is at the point of submission that the legal requirement needs to be met in judging whether a plan submitted for examination has met the requirements of the Duty. However, the Duty requires councils to engage constructively, actively and on an ongoing basis. A significant period of time has now elapsed since the City Plan was submitted and it is therefore considered appropriate to detail the ongoing work undertaken by the City Council to address cross-boundary issues.

This update should be read in conjunction with the Duty to Cooperate Compliance Statement produced to accompany the submission of the City Plan in 2012.

Coastal West Sussex and Greater Brighton Strategic Planning Board (CWSGB) and Local Strategic Statement (LSS)

In October 2012 the Local Planning Authorities (LPAs) in Coastal West Sussex (Adur District, Arun District, Chichester District, Worthing Borough along with West Sussex County Council and the South Downs National Park Authority) together with Brighton & Hove City Council and Lewes District Council agreed to establish a new Coastal West Sussex Strategic Planning Board to facilitate joint planning work under the duty to co-operate. The Board, which comprises lead councillors from each of the LPAs works in an advisory capacity with all decision-making through the individual member authorities.

The City Council's Economic Development & Culture Committee approved the LSS for Coastal West Sussex and Greater Brighton (CWSGB) on January 23 2014. The LSS has been highlighted nationally as an example of best practice with regarding to meeting the duty to co-operate, by winning the 2014 RTPI national award for “Innovative planning practice in plan making”. The RTPI noted how the LSS builds an active and on-going framework led by elected members for agreement on spatial priorities.

The LSS sets out the long term strategic objectives for the period 2013 - 2031 and the spatial priorities for delivering these in the short to medium term 2013 - 2020. It focuses on the strategic issues that are shared across the area or that will impact on the long term sustainability of the area, providing a background for local plans and the business priorities of key stakeholders. It will be an important mechanism for LPAs in CWSGB to manage strategic issues and will provide evidence to demonstrate that cooperation at a strategic level has been an integral and on-going part of plan-making across the area.

The strategic objectives of the LSS are:-

- Delivering Sustainable Economic Growth
- Meeting Strategic Housing Needs
- Investing in Infrastructure
- Managing Environmental Assets and Natural Resources

These objectives aim to facilitate improved accessibility within and across the CWSGB labour and housing markets, promote strategic development opportunities in town centres and other sustainable locations, and protect the high quality environmental and landscape assets of the area.

LPAs will work with their partners to support the development of strategic employment and housing sites, by giving priority to the infrastructure improvements needed to enable the sites to be delivered. The LSS identifies the Greater Brighton City Region as one of the locations that are the focus for attention.

The LSS also aims to ensure alignment with the delivery of the Greater Brighton City Deal (see below) and work of the Greater Brighton Economic Board, and the delivery of the emerging priorities in the Coast to Capital Local Enterprise Partnership's draft Strategic Economic Plan.

Annexes to the LSS also contain the terms of reference for the CWSGB Strategic Planning Board and a memorandum of understanding that establishes a framework for co-operation between the eight LPAs with respect to strategic planning and development issues.

Greater Brighton City Deal

A City Deal for the Greater Brighton City Region was agreed with Government in early 2014. The City Region covers Adur and Lewes District Councils, Worthing Borough Council, and Mid- Sussex District Council, along with Brighton & Hove City Council. The bid is supported by a range of local businesses and organisations including the two (Brighton and Sussex) universities, business associations in the region and key companies looking to invest in the area such as EON, American Express, Ricardo, and EDF.

The delivery of City Deal is administered by the Greater Brighton Economic Board. The Economic Board met for the first time on 20th May 2014. The

Board brings political and business leaders together from across the City Region and is the next step in a long term commitment to investment in the Greater Brighton City Region.

The new Economic Board will oversee a 6 year programme of investment in jobs, housing, business and skills support.

The Greater Brighton Economic Board will focus on four key themes;

- Developing a city region that is attractive to businesses; and provides the amenities and infrastructure businesses need to thrive - unlocking developments to create space for businesses to grow;
- Achieve higher wages and skills, working with our universities and colleges to creating high value jobs and to develop a skills system that is accessible and meets the needs of new sectors in a changing economy;
- Create better housing and employment space – enabling the development of housing and employment sites through investment in flood defences and infrastructure;
- Providing a city region programme of business support, including grants for businesses who are struggling to access finance, starting with the £1.8m programme received through City Deal.

The Greater Brighton Economic Board (GBEB) has, in conjunction with the CWSGB Strategic Planning Board, requested a refresh of the CWSGB Local Strategic Statement to reflect City Deal and the potential inclusion of the Mid Sussex District Council area. This will update the existing CWSGB LSS and will be accompanied by three background papers on the economy, housing market area and transport for the Greater Brighton Area and Coastal West Sussex. The LSS update (which to date has still to be agreed by the CWSGB Strategic Planning Board) will be led by the Strategic Planning Board, whereas the GBEB will lead on the production of the three background papers. The background papers will concentrate on mechanisms to unlock sites for early development.

Mid Sussex District Council has requested that it join the CWSGB Strategic Planning Board. This request is due to be considered by the Board on its next meeting on the 9th October.

Shoreham Harbour

Cooperation on a Joint Area Action Plan for the Shoreham Harbour area has continued between the City Council, Adur District Council, West Sussex

County Council and the Shoreham Port Authority. A Submission version of the Shoreham Harbour Joint Area Action Plan is expected to be considered by the appropriate Committees of all three Councils towards the end of 2014/start of 2015

A Statement of Common Ground (SOCG) was signed in February 2014 by the City Council, Adur District Council, the South Downs National Park Authority, West Sussex County Council, East Sussex County Council and the Shoreham Port Authority.

The purpose of the SOCG is to underpin effective cooperation and collaboration between the parties listed above in addressing strategic cross-boundary issues as they relate to planning for minerals infrastructure and safeguarding in Shoreham Harbour. It sets out matters of agreement and commitment to a future policy approach, reflecting the spirit of co-operation between the parties.

East Sussex Strategic Planning Board

The East Sussex Strategic Planning Boards comprises all the Districts and Boroughs in East Sussex and the County Council. The City Council is not a member of the Board but has a standing invitation to attend as an observer.

Requests from other Planning Authorities

To date the City Council has only received two direct requests to consider meeting unmet needs of other areas. One was jointly from Hastings and Rother and the other more recently from Crawley. See details below. Given the well-documented difficulty the City Council has in meeting its own needs the City Council response is/will be that it is unable to assist any other authority in meeting its unmet needs.

Direct Cooperation with Other Local Planning Authorities

Adur

Duty to Co-operate with Adur District Council (ADC) has been dealt with through the CWSGB Strategic Planning Board. ADC is also part of the Greater Brighton City Deal. Direct co-operation also takes place on Shoreham Harbour through regular planning sub-group, Project Board and Leader's Board meetings.

Arun

Duty to Co-operate with Adur District Council has been dealt with through the CWSGB Strategic Planning Board.

Chichester

Duty to Co-operate with Chichester District Council has been dealt with through the CWSGB Strategic Planning Board.

Crawley

An officer meeting was held with Crawley Borough Council in August 2014. Crawley BC has written to the City Council asking if the City Council can meet any of the Borough Council's unmet development needs. The City Council will reply as part of its formal response to the Borough Plan stating that it is unable to help accommodate any of Crawley's unmet development needs.

Hastings and Rother

On 19th July 2013 Hastings and Rother Councils wrote to their neighbouring councils including the City Council regarding each council's approach to housing supply and whether the City Council was able to take any of the unmet need arising in Hastings and Rother. The City Council replied to the detailed technical points and that it was unable to accommodate unmet need arising from Hastings and Rother.

Horsham

Co-operation with Horsham District Council has been in the context of the Horsham District Planning Framework. This has been either jointly through the CWSGB officers group or on an individual basis. Individual meetings have taken place with Horsham to discuss the City Council's response to the draft Horsham planning framework and jointly with Mid Sussex District Council to discuss strategic planning issues. The City Council also attended Horsham's workshops on duty to co-operate (see below).

Lewes

Duty to Co-operate with Lewes District Council has been dealt with through the CWSGB Strategic Planning Board. LDC is also part of the Greater Brighton City Deal. An officer meeting took place in September 2014. Discussions are currently taking place with LDC over a proposed a Statement of Common Ground with the City Council regarding duty to co-operate which is expected to be signed shortly (September 2014).

Mid Sussex

The City Council submitted a joint representation (with Adur District, Lewes District and Worthing Borough Council) to the Submission Mid Sussex District Plan. The first hearing session of the Plan's Examination took place on the 12th November 2013, and solely focussed on whether or not Mid Sussex District Council had met the Duty to Cooperate. The Inspector was not satisfied that the legal test for the Duty to Cooperate had been met, and advised that the District Plan should be withdrawn. Mid Sussex formally withdrew the District Plan on 27th May 2014.

Since the Inspector's conclusion was reached, the City Council and Mid Sussex have had two officer meetings regarding strategic planning issues. Mid Sussex is part of the Greater Brighton City Deal and has applied to join the CWSGB Strategic Planning Board. Mid Sussex has supplied the City Council with a draft capacity study and other supporting information and at MSDC's request the City Council has supplied a table of the City's un-met development needs that it should like MSDC to consider. A draft MOU between MSDC and the City Council is currently under discussion.

South Downs National Park Authority (SDNPA)

Co-operation with the SDNPA on strategic planning issues is principally through the CWSGB strategic planning board. The City Council has made a representation on the SDNPA Local Plan Options Consultation. Officers have attended the South Downs National Park workshop on employment land

Wealden

An officer attended a meeting to discuss the definition of the strategic housing market area for Wealden District in August 2014.

Further Alterations to the London Plan

An officer of the City Council attended two meetings for South East Authorities at City Hall, London to discuss the Further Alterations to the London Plan (FALP). A joint representation was made on the further alterations to the London Plan by the Gatwick Diamond authorities that was endorsed by CWSGB and East Sussex Strategic Planning Boards. This broadly commented that London was not providing for its full objectively assessed housing needs. The City Council also made an individual representation on the FALP which, in summary indicated the City Council was not convinced that London had pursued all possible options in trying to meet London's housing needs and should not assume that any shortfall in meeting its housing requirement can be met in places like Brighton & Hove which is finding it difficult to meet its own housing requirement.

Horsham Duty to Cooperate (DtC) Workshops

The City Council was represented at a series of three workshops organised by Horsham District Council on 23rd July 2013, 9 January and 4 March 2014 and facilitated by the Planning Advisory Service. At the time of the first workshop the Local Plans for Mid Sussex and Brighton & Hove had been submitted and were the subject of initial examination hearings in the latter part of 2013. As a result of guidance and challenges included in Inspector's letters during the course of these examinations the participating authorities' were therefore able to take a more practical approach to the later workshops.

The workshops resulted in a number of actions being agreed:

- Develop and maintain a comprehensive understanding of Local Plan programmes and sharing of timetables.
- Completion of the table of evidence based studies for all the authorities that participated in the workshops.
- Bring together all strategic planning protocols or Local Strategic statements of the various authorities and groups of authorities to articulate the overall 'vision and story' of the area as a basis for further DtC discussions and debate.
- Establish Clear and effective governance structures for DtC discussions by improving existing arrangements and strengthening the connections between them. This would build upon the examples of good collaborative working carried out across the region, and avoid unnecessary duplication.
- Secure senior management support for DtC. Ensuring that CEOs understand and are involved in debate that has political and reputational implications.
- Ensure that Members / Portfolio Members are effectively briefed by officers to enable them to participate effectively in meetings at city region level that touch on Duty to Cooperate matters.
- Complete and update the Duty to Cooperate workshop toolkit and ensure that it is updated..
- Review Action Plans collectively and amend and take forward together.
- Develop an appropriate mechanism for having a dialogue with the London authorities about their growth and housing needs.

Conclusion

Since the examination into the City Plan, the Coastal West Sussex and Greater Brighton Strategic Planning Board has met on a number of occasions and is establishing its role and work programme. The most significant outcome has been the product of a Local Strategic Statement for the area covered by the Board. The report produced as a result of the workshops run by Horsham District Council is being proposed as a basis for co-operation between the local authorities in the area. Another significant development has been the agreement of the Greater Brighton City Deal. The City Deal offers the opportunity of co-operation over a number of areas including housing and employment. In addition direct co-operation is on-going with all neighbouring local authorities.

Appendix 1: Key Meetings with Other Authorities

Date	With	Regarding
18 th July 2013	Coastal West Sussex and Greater Brighton (CWSGB) Joint Strategic Planning Board, Worthing	
5 th September	Lewes DC / Adur DC, Hove	Discussion on response to Mid Sussex
11 th September	Shoreham Harbour Project Board	
7 th October	Arun District Council, Littlehampton	Draft Arun Strategic Housing Market Assessment
17 th October	CWSGB Joint Strategic Planning Board	
25 th October	Greater London Authority, City Hall, London	Demographic issues relating to London
20 th November	CWSGB Officers Group, Chichester	Update of Housing Study
22 nd November	CWSGB officers meeting with Horsham District Council, Chichester	Discussion of issues between Coastal West Sussex and Horsham DC
10 th December	Shoreham Harbour Planning Sub-Group	
11 th December	Shoreham Harbour Project Board	
18 th December	Shoreham Harbour Leader's Board	
9 th January 2014	CWSGB Officers Group, Worthing	
10 th March	CWSGB Officers Group, Worthing	
12 th March	Shoreham Harbour Project Board	
27 th March	East Sussex Chief Executives Group, Lewes	
28 th March	City Hall, London	Further Alterations to the London Plan
2 nd April	East Sussex Strategic Members Group, Hailsham	
3 rd April	CWSGB Joint Strategic Planning Board, Worthing	

10 th April	Adur DC, Worthing	Adur meeting with PINS. Attended for discussion on Shoreham Harbour Joint Area Action Plan
6 th May	Mid Sussex District Council/Horsham District Council, Hove	
22 nd May	Southern Water, Brighton	Discussion on results of urban fringe study
28 th May	Lewes District Council	Update on modifications to the Lewes Local Plan
3 rd June	Shoreham Harbour Planning Sub-Group, Worthing	
9 th June	CWSGB Officers Group, Worthing	
11 th June	Shoreham Harbour Project Board, Southwick	
12 th June	Horsham District Council, Horsham	To discuss the submission Horsham Planning Framework and the current state of play on the City Plan
25 th June	Further Alterations to the London Plan (FALP), City Hall, London	Open meeting for authorities in the SE to discuss FALP
21 st July	East Sussex Strategic Planning Members Group, Hailsham	BHCC officer in attendance
29 th July	East Sussex Local Plan Officers Group, Eastbourne	
30 th July	Shoreham Harbour Leader's Board, Hove	
31 st July	CWSGB Officers Meeting with Horsham DC, Littlehampton	Evidence gathering in respect to the Horsham District Planning Framework
12 th August	Mid Sussex District Council, Hove	
19 th August	Wealden District Council, Hailsham	Definition of the Strategic Housing Market Area for Wealden District
22 nd August	Crawley Borough Council, Hove	
4 th September	Shoreham Harbour	

	Planning Sub-Group, Hove	
10 th September	Shoreham Harbour Project Board, Southwick	
15 th September	CWSGB Officers Meeting, Worthing	LSS re-refresh and scoping papers
24 th September	East Sussex Local Planning Officers Group, Lewes	
25 th September	Lewes District Council, Lewes	
29 th September	South Downs National Park Authority, Midhurst	Employment Land Review



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