

Duty to Co-operate

Memorandum of Understanding

Parties to the Agreement

The Agreement involves the following Local Planning Authorities:

- Adur District Council
- Arun District Council
- Worthing Borough Council

Introduction

Local Planning Authorities are required by the Localism Act 2011 to meet the 'Duty to Cooperate', that is to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area. Section 33A(6) of the 2004 Act also requires local planning authorities and other public bodies to consider entering into agreements on joint approaches. Local planning authorities are also required to consider whether to prepare local planning policies jointly under powers provided by section 28 of the 2004 Act.

The Duty to Cooperate is amplified in the National Planning Policy Framework (NPPF) which sets out the key strategic priorities that should be addressed jointly (paragraph 156). Paragraphs 178-181 of the NPPF details how it is expected that the Duty to Cooperate will function, and in particular states that

"Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position".

The National Planning Practice Guidance (NPPG) offers further advice on the implementation of the Duty to Co-operate. This includes the advice that one way to demonstrate effective cooperation, particularly if Local Plans are not being brought forward at the same time, is the use of formal agreements between local planning authorities, signed by elected members, demonstrating their long term commitment to a jointly agreed strategy on cross boundary matters. The NPPG states that:

"Such agreements should be as specific as possible, for example about the quantity, location and timing of unmet housing need that one authority is prepared to accept from another authority to help it deliver its planning strategy. This will be important to demonstrate the commitment between local planning authorities to produce effective strategic planning policies, and it will be helpful for Inspectors to see such agreements at the examination as part of the evidence to demonstrate compliance with the duty".

Objectives

This Memorandum of Understanding relates to the preparation of local development plans in the three local planning authority areas set out above. Its overall aim is to ensure appropriate co-ordination and planning for the cross-boundary strategic planning issues that exist and/or are likely to arise in the foreseeable future between the Councils.

Current Position:

Adur District Council

Adur District Council published the Proposed Submission Adur Local Plan 2014 under Regulation 19 in October 2014. Due to issues raised in relation to the strategic site allocation at New Monks Farms, a brief regulation 18 consultation exercise was carried out from 9th December 2015 - 4th January 2016. This was followed by 'Amendments to the Proposed Submission Adur Local Plan (2016)', which was published 31st March — 11th May 2016 (a second Regulation 19 publication). The Submission Adur Local Plan 2016 was subsequently submitted on October 20th 2016.

The Submission Adur Local Plan covers the period from 2011-2031 (although Main Modifications have been proposed which seek to extend the period to 2032). That part of the district which is within the National Park (approximately half) is covered by the emerging local plan for the South Downs National Park and not by the Adur Local Plan.

The Council is also working with Brighton & Hove City Council, West Sussex County Council with the support of Shoreham Port Authority and other partners, on a joint Area Action Plan for Shoreham Harbour. This is a large strategic regeneration site identified in the Coast to Capital Local Enterprise Partnership's (LEP) Strategic Economic Plan as well as the Greater Brighton City Deal. (It is identified as a 'broad location' in the Adur Local Plan). A second Regulation 18 consultation on the Area Action Plan will be held from early December 2016 — early February 2017.

Arun District Council

The Arun Local Plan (2011-2031) Publication Version (October 2014) (the 'ALP') was submitted on 30 January 2015 for independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate. Following Examination hearings in June 2015 and a further consultation period on the housing need figure, the Planning Inspector wrote to the Council confirming a suspension period for the Examination. This was agreed in order for the Council to test a higher housing need figure of 845 dwellings per annum (dpa) (the Publication Version of the Arun Local Plan planned for 580 dpa).

The ALP Examination suspension formally began in February 2016. The Council's suspension timetable runs until spring/summer 2017, when it is expected that hearings will recommence. During the suspension period, main modifications to the ALP are being prepared and, importantly, a number of potential strategic site allocations are being assessed in order to test the higher housing need, plus unmet needs from neighbouring authorities (it should be noted that recent projections have resulted in an increase to the housing needs figure to 919 dpa).

The Council is working to a very tight timetable to fully assess a range of strategic sites and to identify whether they would be deliverable within the plan period.

Worthing Borough Council

Worthing has an adopted Core Strategy (2011) to cover the period up to 2026. However, significant changes to the planning system, particularly how local authorities need to plan for housing, have meant that a review of the Core Strategy is required. The Council has committed to the progression of a new Local Plan to be adopted in 2018. The first key stage of consultation (the Issues and Options stage) was undertaken in summer 2016. Key parts of the Council's evidence base have been updated and this work, which is continuing, will inform the drafting of the Preferred Options Local Plan due to be published in 2017.

Strategic Planning Issues:

The following have been identified as current cross-boundary strategic planning issues relevant to Adur, Arun and Worthing Councils:

- Housing delivery
- Employment floorspace
- Gypsy and Traveller Accommodation
- Infrastructure (particularly transport)

Liaison and Working Arrangements:

Adur District Council, Arun District Council, and Worthing Borough Council have been working together through the following mechanisms:

- All three authorities lie within the Coastal West Sussex Housing Market Area (HMA). There is a history of joint working on strategic needs in this area: Coastal West Sussex SHMA 2009; Coastal West Sussex SHMA 2012, and the Sussex Coast HMA Duty to Co-operate Study (2013)
- All three authorities are partners in the Coastal West Sussex and Greater Brighton Strategic Planning Board. As such, all have signed the Local Strategic Statement date and update in 2016. Work has also commenced on evidence base to support Local Strategic Statement 3.
- Formal consultation as the respective Local Plans have progressed.
- Ongoing Duty to Cooperate meetings held between the three authorities as part of Local Plan preparation processes.

Outcomes

Adur

Housing

An Objectively Assessed Housing Need Study for Adur was produced in 2015. This revised Adur's Objectively Assessed Need for housing at 291 dwellings per annum (5820 over the plan period 2011-2031). This figure was published in the Amendments to the Proposed Submission Adur Local Plan (March 2016) and subsequently reproduced in the Submission Adur Local Plan (October 2016).

However a further update to the 2015 study was commissioned in 2016, in order to take account of the most recent demographic projections. (The study also extends the analysis to

2032). The study revises the Objectively Assessed Need to 325dpa (rounded) 6825 dwellings over the plan period. (Please note that this figure, and the extension of the plan period to 2032, are addressed by Proposed Main Modifications accompanying the Submission Adur Local Plan 2016, as is the revised OAN figure).

In setting a delivery figure for the emerging Adur Local Plan, a number of housing sources have been carefully considered, and which maximise development on brownfield land. The Submission Adur Local Plan states that 2,529 dwellings can be delivered on brownfield land. In addition, two sustainable greenfield urban extensions have been identified which will deliver a further 1,080 dwellings. As a result, 3,609 dwellings can be delivered over the Plan period which equates to an annual average of 180 dwellings from 2011-2031. (However the proposed Main Modifications seek to extend the plan period to 2032 — resulting in a revised annual average of 172 dwellings per annum). Consequently, a shortfall of approximately 3,216 dwellings remains against the full, updated objectively assessed need figure of 6825 over the extended Plan period. *(Please note these figures are liable to change subject to latest WSCC monitoring data).*

The details of this shortfall have been provided to Arun District Council and Worthing Borough Council and discussed as the local development plans progress.

Gypsy and Traveller Accommodation

The need in Adur is for 4 public pitches for Gypsy and Traveller accommodation (1 during the period 2012-17; 1 between 2018-22; and 2 between 2023-27). The Council is investigating the potential to address these needs but this is dependent on the delivery of a new roundabout to serve an adjacent strategic allocation, as well as land raising to bring it out of flood zone 3. Until further work is undertaken to assess the exact capacity of an expanded Withy Patch site, the unmet remaining need is difficult to quantify. A separate Development Plan Document is timetabled after the adoption of the Adur Local Plan in 2017 to progress this site.

In addition, one Travelling Showperson's plot is required in the period up to 2027. The details of this shortfall have been provided to Arun District Council and Worthing Borough Council and discussed as the local development plans progress.

Employment

The 2014 Adur Employment Land Review indicates that the Adur Local Plan should make provision for between 15,000 to 20,000m² net for offices and R&D, and between 35,000 and 40,000 m² for warehousing over the 2011 and 2031 period. This includes 18,750m² to be relocated from Shoreham Harbour and expected to be provided within Adur. However, due to capacity constraints, the Local Plan can only provide for 41,000m² for employment generating uses (not specifically B class uses). As such, co-operation with neighbouring local planning authorities is required. The details of this shortfall have been provided to Arun District Council and Worthing Borough Council and discussed as the local development plans progress.

Arun District Council

With regards to housing need, Arun has been testing and assessing a range of scenarios and strategic housing sites for inclusion within the Local Plan in light of the increased requirement associated with meeting objectively assessed needs (OAN). As part of this process the Council is providing careful consideration of the potential to contribute towards the unmet housing needs within the wider Housing Market Area over the plan period 2011-2031. Work is underway to consider functional linkages between potential strategic housing sites in Arun and surrounding local planning authority areas, including Adur and Worthing. This includes investigation of commuting and travel to work patterns. In addition, the

Council is seeking to confirm the extent of unmet needs within the Housing Market Area.

However, Arun's ability to contribute significantly to the unmet needs of the wider Housing Market Area is likely to be limited. The Council is itself currently seeking assistance to meet the shortfall in housing provision identified within the Arun Local Plan in the early years of the plan period. A shortfall in housing provision in the early years of the Arun Local Plan is likely to occur as a result of the significant increase in OAN, recent under-delivery against annual targets (based on the OAN) since the start of the plan period in 2011, and the fact that the Arun Local Plan will be reliant on the inclusion of several large strategic greenfield sites to meet OAN. These sites by their very nature will inevitably be subject to relatively long lead-in times, and the phasing of the delivery of several strategic sites is likely to be subject to a degree of delay as a result of constraints in the local infrastructure network, particularly in terms of the capacity of local wastewater treatment plants. The ability of Arun District Council to contribute significantly to unmet needs over the plan period is further restricted by a recent increase in OAN following the release of the 2014 based population and household projections.

With regards to employment, further work is being commissioned which will help to identify linkages between Arun and neighbouring areas, and examine whether Arun may be able to accommodate a proportion of unmet employment needs for certain uses over the plan period. Arun will share the findings of the work with neighbouring authorities once it is completed to discuss.

Through Duty to Cooperate discussions, Arun is aware that both Adur and Worthing Councils have a shortfall against OAN in all time periods of their Local Plans and are therefore unable to contribute towards meeting any of Arun's unmet housing needs in the early years of the plan period. It is accepted that Arun may be able to provide a limited contribution to meeting these unmet housing needs, subject to the outcome of further assessment work.

In other matters, the Arun Transport Study is being updated with full engagement from Highways England and West Sussex County Council. Arun will share the study with neighbouring authorities in due course.

Arun District Council agrees with the principle of agreeing a Memorandum of Understanding to support the approach that the Adur Local Plan has taken to planning for the identified cross-boundary matters.

Worthing

Housing

The Core Strategy seeks to deliver a total of 4,000 dwellings to 2026 (200 dwellings/year) which was the requirement set for the Borough within the South East Plan. However, the significant changes made to the planning system, in particular, how each authority must now assess its housing needs, means that a full review of the local policy position is required work to address this is well under way.

The Worthing Housing Study (June 2015) indicates that the Objectively Assessed Housing Need for Worthing (2013-2033) is 636 dwellings per annum. This is significantly higher than the level of housing currently planned for. As such, the Council now needs to assess all options to meet that need as part of the review of the Core Strategy. A timetable for the preparation of a new Local Plan for the Borough has been set within a revised Local Development Scheme (April 2015). A revised LDS is currently being prepared that will set out a more realistic timetable for 2017-18.

A full and positive review of the SHLAA has been undertaken and careful consideration will be given to the potential allocation of additional sites (including greenfield opportunities) to help meet development needs.

Although the review of greenfield sites has yet to be finalised, it is very apparent that opportunities to deliver new housing are extremely limited. Even though the development potential of every opportunity in and around Worthing will be tested, there is still no realistic or sustainable prospect of ever being able to identify sufficient housing sites to completely meet objectively assessed housing need. Even if every realistic opportunity were to be developed, the lack of available land and other constraints will mean that there would still be a significant shortfall. The details of this shortfall have been provided to Adur District Council and Arun District Council and will be continued to be discussed as the local development plans progress.

Gypsy and Traveller Accommodation

Evidence indicates that there is no need in Worthing for Gypsy and Traveller accommodation.


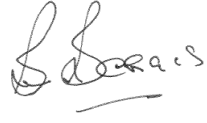

Employment

With regard to employment, the Worthing Core Strategy indicated a need to provide 780,000ft² of industrial and warehousing floorspace and 240,000ft² of office space up to 2026. More recently, the Economic Research and Employment Land Review (April 2016) has been published. The study provides an up-to-date understanding of the existing economic situation in Worthing and explores the employment growth potential of the local economy. It considers the economic development requirements of the Borough objectively in line with the NPPF and Planning Practice Guidance, highlighting the balance of demand for and supply of B class employment land in Worthing, and the potential policy approaches in relation to B class employment space that could be brought forward as part of the new Local Plan.

Due to the scarcity of available sites to deliver new employment needs, co-operation with neighbouring local planning authorities will be required particularly given need to deliver additional employment land to help achieve economic growth. The details of this shortfall have been provided to Adur District Council and Arun District Council and will continue to be discussed as the local development plans progress.

Ongoing Co-operation:

It is agreed that the three authorities will continue to co-operate actively and diligently on all cross-boundary planning matters with a view to achieving the proper planning of the area.

Signed 	Signed 	Signed 
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