



18 APR 2018



## DUTY TO COOPERATE STATEMENT OF COMMON GROUND

BETWEEN: The South Downs National Park Authority and Chichester District Council

DATE: 5 April 2018

### 1. Introduction

1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between the South Downs National Park Authority (SDNPA) and Chichester District Council (CDC). It sets out the position and understanding with respect to the key duty to cooperate on the matter of unmet housing need, and agreed actions to address this. It is not binding on either party, but sets out a clear and positive direction to inform ongoing strategy and plan-making.

### 2. Context

2.1 Section 62 of the Environment Act 1995 requires all relevant authorities, including local authorities such as CDC, to have regard to the purposes of national parks. These are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

2.2 As a National Park and Local Planning Authority, plan-making for the SDNPA is subject to the National Planning Policy Framework (NPPF) whereby Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in the NPPF indicate development should be restricted. An example of such restrictions given in footnote 9 of the NPPF is policies relating to the development of sites within a National Park.

2.3 Furthermore, paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. It should also be noted that the DEFRA UK Government Vision and Circular 2010 on English National Parks and the Broads, referenced in the NPPF at this point makes clear that the Government recognizes that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them.

2.4 Chichester is a district area of which approximately 67.1% falls within the South Downs National Park. This means that statutory planning responsibilities within the district are geographically split along the National Park boundary. Chichester District is mainly located within the Chichester and Bognor Regis Housing Market Area (HMA), although parts of the north of the district are within the Guildford and Horsham & Crawley HMAs and a

small part of the western part of the district at Southbourne is within the Portsmouth HMA. The two authorities work in partnership to ensure that strategic planning issues are properly and holistically addressed.

### 3. Purpose and objectives

3.1 The SDNPA is preparing its first Local Plan – the South Downs Local Plan (SDLP). The SDLP is a landscape-led plan, with ecosystem services (the goods and services people get from the natural environment) at its heart. The SDLP will provide a comprehensive development plan document to cover the whole of the National Park, and will include a policy to address all types of development, with the exception of minerals and waste.

3.2 The purpose of this SCG is to demonstrate clearly and concisely how strategic cross-boundary matters relevant to the SDLP, which are specific to the two authorities, have been and will continue be jointly addressed. These focus on the issue of addressing objectively assessed housing need, and on how points of disagreement between the parties are being positively resolved. Further detail is given in the South Downs National Park Duty to Cooperate Statement<sup>1</sup>, and in the jointly prepared documents referred to below.

### 4. Addressing unmet housing need

4.1 It is agreed between the parties that the housing supply and objectively assessed need for the district both within and outside of the South Downs National Park, is as set out in the Table I below:

**Table I Housing supply and need in the Chichester part of the South Downs National Park<sup>2</sup>**

<b>Part A - Proposed Housing Provision in South Downs Local Plan: Pre-submission</b>						
	<b>A<sup>(i)</sup></b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>District</b>	<b>Provision made in the SDLP (Policy SD26)</b>	<b>Completions (2014/15 to 2016/17)</b>	<b>Unimplemented Planning Permissions</b>	<b>Windfall Allowance</b>	<b>Total Provision (A+B+C+D) (plan period 2014-2033)</b>	<b>Average Per Annum (E/19 years)</b>
Chichester	677	290	404	163	1,534	81

  

<b>Part B - Target in Chichester Local Plan</b>	<b>Part C - Deficit of housing supply compared with housing need in whole district</b>			
<b>G</b>	<b>H<sup>(ii)</sup></b>	<b>I</b>	<b>J<sup>(iii)</sup></b>	<b>K</b>
<b>Annualised housing target for part of district outside SDNP</b>	<b>Total housing need per annum in SDNP part of district</b>	<b>Per annum difference between supply and need in SDNP (F-H)</b>	<b>Total housing need per annum in whole district/HMA</b>	<b>Annual surplus/deficit of supply vs need (negative value indicates a deficit) (F+G-J)</b>
435	125	-44	575	-59

<sup>1</sup> South Downs National Park Duty to Cooperate Statement, 2018

<sup>2</sup> These figures are produced by the SDNPA and are considered to be the most accurate available as of April 2018. The housing supply trajectory for the South Downs National Park is updated annually in the Authority Monitoring Report, to reflect yearly completions and planning permissions updates.

Notes on Table 1:

<sup>(i)</sup> Column A includes site allocations in the draft South Downs Local Plan, 'made' neighbourhood plans (Fernhurst & Lavant) and neighbourhood plans currently in preparation (Bury, Fittleworth, Petworth & Rogate).

<sup>(ii)</sup> The South Downs National Park HEDNA (GL Hearne, 2017) (Table 5, p120) states an objectively assessed housing need of 125 dwellings per annum in the National Park within Chichester district, based on a 10-year trend (demographic-led projection) utilising the 2014-based Sub-National Population Projections and the 2014-based CLG Household Projections.

<sup>(iii)</sup> The Review of Objectively Assessed Housing Need in light of 2012-based Subnational Population Projections (GL Hearne, 2014) states an objectively assessed housing need of 560-575 dwellings per annum for the whole of Chichester district. The Chichester Local Plan Inspector's Report (May 2015) (paragraph 41) acknowledges that the top of this range is the District's OAN.

4.2 As a result, both/all parties acknowledge that there is an unmet housing need whereby paragraphs 179-181 of the National Planning Policy Framework are engaged. The parties to this agreement are addressing this as far as is consistent with the policies set out in the Framework, in the following ways:

- i) The study 'Defining the HMA and FEMA' (GL Hearne, 2017) prepared on behalf of the West Sussex and Greater Brighton Strategic Planning Board identifies that Chichester District falls primarily within the Chichester and Bognor Regis Housing Market Area. It is acknowledged that the South Downs National Park HEDNA nevertheless uses the previous, larger Coastal Sussex HMA which includes Chichester district.
- ii) In May 2013, the authorities falling within the Coastal West Sussex (CWS) area published a report 'Housing Study (Duty to Cooperate) Executive Summary'. This set out an objectively assessed housing need of 2,905-3,415 dwellings per annum for the entire HMA. The study also concluded that a level of development required to meet the development needs of the area cannot be achieved in light of the significant environmental, landscape and infrastructure constraints to development which exists. This is a function of the geography of the sub-region, much of which forms a narrow intensively-developed coastal strip which falls between the South Downs National Park and the English Channel.
- iii) A Coastal West Sussex and Greater Brighton Local Strategic Statement (LSS) was published in October 2013 and updated in January 2016.<sup>3</sup> The Statement sets out a number of strategic priorities designed to maximize development potential, balanced against managing the many environmental assets and natural resources in the area. A Memorandum of Understanding has also been signed by all parties, which confirms an ongoing commitment to joint working across administrative boundaries.<sup>4</sup>

4.3 The SDNPA confirms a housing provision figure of at least 70 dwellings per annum for that part of Chichester District which falls within the National Park; as evidenced in the table above, the figure is expected to average 81 dwellings per annum. Both parties confirm that the SDNPA has formally requested that CDC considers how it is able to accommodate some or all of the unmet housing need arising within the South Downs National Park.<sup>5</sup> CDC has resolved that, subject to the completion of the ongoing evidence-based work and the assessment of sites to meet the identified housing needs associated with the Local Plan Review, Chichester District Council will assess its ability to meet some or all of the unmet housing needs arising from the part of the South Downs National Park within Chichester

<sup>3</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2016/05/FINAL-LSS-Refresh-Final-version-Jan-16-180416.pdf>

<sup>4</sup> <https://coastalwestsussex.org.uk/wp-content/uploads/2014/02/FINAL-CWS-SPB-MoU-Feb-2014-Final-Signed.pdf>

<sup>5</sup> Letter from SDNPA (Tim Slaney) to CDC (Andrew Frost) sent 5 February 2018

District via the Chichester Local Plan Review.<sup>6</sup> In the longer term unmet cross-boundary needs will be addressed through the work of the Strategic Planning Board and its development of Local Strategic Statement 3 (LSS3). It is also agreed that CDC will not commit to accommodating unmet housing need from elsewhere in the National Park other than through the work of the West Sussex and Greater Brighton Strategic Planning Board.

4.4 It is agreed by both parties that the continued joint work of the West Sussex and Greater Brighton Strategic Planning Board is the most appropriate mechanism for addressing unmet development needs in the Housing Market Area. The Board has now started work to address the challenge for the future of creating an approach which allows all the authorities in the Board to work collectively on developing a new high level strategic planning framework known as LSS3. This will seek to address the strategic cross boundary issues such as unmet housing needs. Each individual authority will be able to prepare their own plans within the context of LSS3. Further details are set out in the South Downs National Park Duty to Cooperate Statement.

5. Solent Recreation Mitigation Partnership

5.1 Both CDC and the SDNPA are members of the Solent Recreation Mitigation Partnership (also now known as Bird Aware Solent) which has provided a strategic mitigation solution to address potential harm to the protected habitat at Chichester Harbour. Development with a 5.6 km zone of influence can make a financial contribution to a strategic scheme of mitigation. This is based mainly around the provision of wardens to engage with the public to facilitate behaviour change with the aim of reducing disturbance of protected birds as a result of recreation on the coast. This strategic mitigation solution has enabled planning authorities within the partnership to allow development to come forward whilst ensuring compliance with the Habitat Regulations.

Signed on behalf of Chichester District  
Council



Mike Allgrove

Date: 05/04/2018

Position: Divisional Manager Planning Policy

Signed on behalf of the South Downs National  
Park Authority  
Planning Authority



Tim Slaney

Date: 09/04/18

Position: Director of Planning

<sup>6</sup> CDC resolution agreed at its full Council on 6 March 2018 (see <http://chichester.moderngov.co.uk/ielistMeetings.aspx?CId=132&Year=0>)

