Statement of Common Ground

Between:

West Sussex County Council; and

Adur District Council;
Arun District Council;
Chichester District Council;
Crawley Borough Council;
Horsham District Council;
Mid Sussex District Council;
South Downs National Park Authority;
Worthing Borough Council.

April 2020

Version	Date
Version 2 – incorporating comments from consultation with PPOG	December 2019
Version 3 – incorporating comments from consultation with PPOG (Dec 2019 -Jan 2020)	January 2020
Version 4 – Amended final document for signature	April 2020

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1.0 Introduction

- 1.1 Paragraph 24 of the National Planning Policy Framework (NPPF) states that: "Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries."
- 1.2 It also states that "In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the planmaking process to provide transparency".²

2.0 Purpose

- 2.1 This Statement of Common Ground (SCG) sets out the process and arrangements for cooperation between West Sussex County Council (WSCC) and the local planning authorities (LPA) in West Sussex in relation to the following statutory and non-statutory functions and services:
 - Minerals Planning;
 - Waste Planning;
 - Waste Disposal;
 - Education;
 - Transport;
 - Flood Risk Management;
 - Library Service;
 - Public Health Service;
 - Adult Services;
 - Fire and Rescue Service.
- The parties to this SCG are West Sussex County Council (WSCC) and the following LPAs:
 - Adur District Council (ADC);
 - Arun District Council (ArDC);
 - Chichester District Council (CDC);
 - Crawley Borough Council (CBC);
 - Horsham District Council (HDC);
 - Mid Sussex District Council (MSDC);

¹ Paragraph 24 of the NPPF (2019).

² Paragraph 27 of the NPPF (2019).

- South Downs National Park Authority (SDNPA);
- Worthing Borough Council (WBC).
- 2.3 This SCG provides evidence of on-going cooperation between WSCC and the LPAs under the 'Duty to Cooperate'. It will be reviewed and updated, where necessary, on an annual basis by the West Sussex Planning Policy Officer's Group (PPOG), which meets quarterly to discuss cross-boundary and other strategic matters.
- 2.4 Each LPA will prepare a SCG that addresses strategic matters relevant to the preparation of local plans, neighbourhood plans, and infrastructure delivery plans (IDPs) in their plan areas. As necessary, they will address joint working and cooperation with WSCC in relation to the strategic matters identified in this SCG.
- 2.5 The SCG will be signed off by the Head of Planning, or equivalent, in each authority according to their own governance arrangements.

3.0 Roles and Responsibilities

West Sussex County Council

- 3.1 WSCC is the Minerals Planning Authority (MPA) and Waste Planning Authority (WPA) for the areas outside the South Downs National Park (SDNP) in West Sussex. It is responsible for preparing local plans for minerals and waste and for determining planning applications for such matters.
- 3.2 As Waste Disposal Authority (WDA) for West Sussex, WSCC has the statutory duty to manage the treatment of waste in an economic, efficient and environmentally sensitive way which means they are responsible for arranging for the disposal of household waste collected across the County.
- 3.3 As the Local Education Authority (LEA), WSCC has a statutory responsibility to provide education for all children of school age (four to 16 and up to 25 for those with special educational needs and/or disabilities as outlined in the Special Needs and Disabilities SEND code of practice 0-25 2014), and to ensure sufficient nursery education for three and four year olds. Further information is contained in Planning for School Places 2019 which is updated annually (https://www.westsussex.gov.uk/about-the-council/policies-and-reports/school-policy-and-reports/planning-school-places/).
- 3.4 As the Local Transport Authority (LTA) for West Sussex, WSCC is responsible for providing advice on areas such as road safety, accessibility, highway capacity, freight, public transport and opportunities to improve access for pedestrians and cyclists and identify where improvements to the

Public Rights of Way network could take place. This is in order to deliver the objectives of the Local Transport Plan of: promoting economic growth; tackling climate change; promoting access to services; employment and housing and improving safety; security and health. Infrastructure requirements will be based on the County Council's aims, objectives and strategic priorities for transport set out in the West Sussex Transport Plan 2011-2026 (WSTP).

- 3.5 As the Lead Local Flood Authority (LLFA) for West Sussex, WSCC is the risk management authority responsible for local flood risk, which is defined as flooding from surface water, groundwater and ordinary water courses.
- 3.6 WSCC has a statutory duty to provide a public library service and there is a need to ensure the community has access to library services when new development is proposed.
- 3.7 In April 2013, WSCC was given responsibility for promoting and protecting the public's health. This was part of the overall NHS reform programme. WSCC will work with partners to address all aspects of the health and wellbeing of the local population and they are currently working on a strategy to identify the need for additional infrastructure.
- 3.8 The Care Act 2014 places a duty on WSCC to ensure there is diversity and quality in the market of care providers, so that there are enough high-quality services for people to choose from. The challenge for social care commissioners and housing authorities lies in shaping the provision of housing support and care for older people, in a way that offers choice and ensures the aspirations and needs of an ageing population can be met. WSCC is currently working on a strategy to identify requirements for additional infrastructure for extra care housing.
- 3.9 The County Council's Fire and Rescue Service is required to identify risks in the communities of West Sussex, and match resources to those risks. WSCC is currently working on a strategy to identify requirements and need for additional infrastructure.

Local Planning Authorities

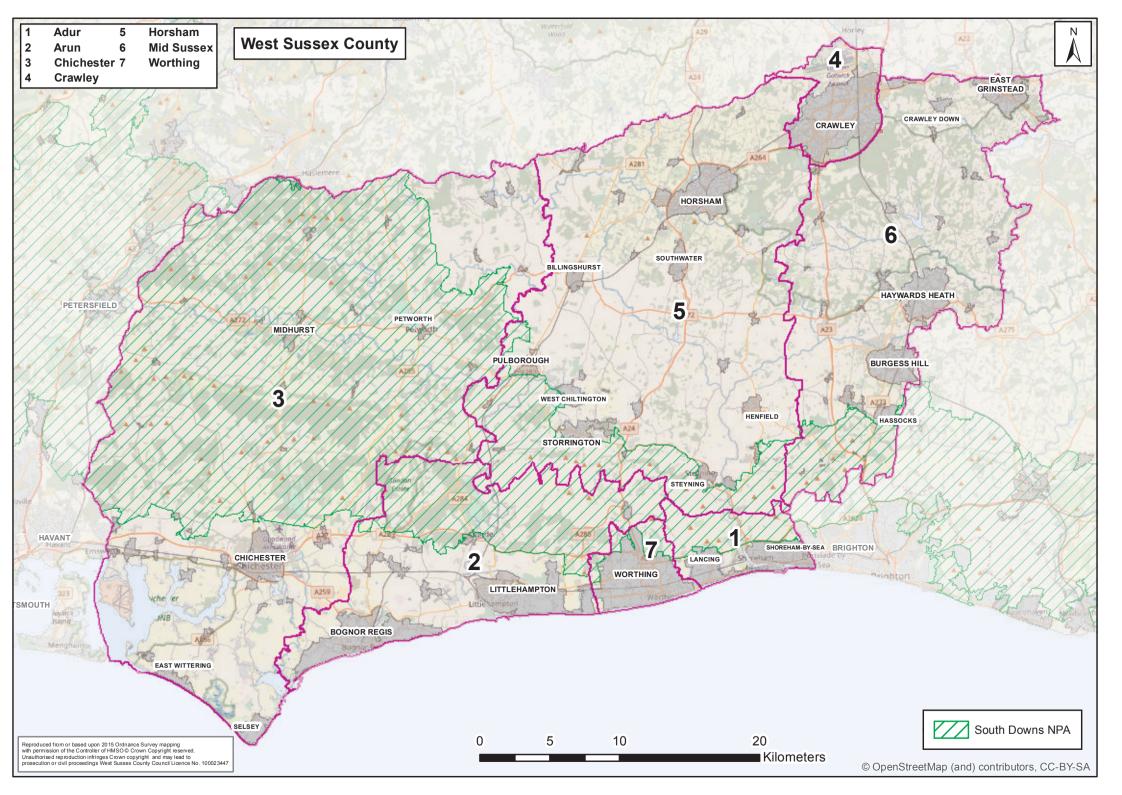
3.10 There are seven district and borough councils responsible for preparing their own local plans, setting out the planning policy framework for development in their area and including strategic and non-strategic policies. The local plan also sets out land allocation, infrastructure requirements, housing needs, and requirements to safeguard the environment. LPAs are also responsible for determining planning applications for development and use of land and buildings, which can range from an extension to a house to a large retail centre.

- 3.11 As well as providing an adequate supply of land for development, local plans should also identify what infrastructure is required, including how and when it can be brought forward. This information is set out in an Infrastructure Delivery Plan (IDP), which provides the evidence for securing contributions from the Community Infrastructure Levy (CIL).
- 3.12 The SDNPA is the planning authority for the SDNP. The SDNPA works jointly with West Sussex, Hampshire, East Sussex and Brighton and Hove on minerals and waste planning in their areas. For all other planning matters, the SDNPA is responsible for preparing their own local plan. The SDNPA and all relevant authorities are required to have regard to the purposes of the SDNP as set out in Section 62 of the Environment Act 1995. The purposes are: 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the area' and 'to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public'.
- 3.13 LPAs have a statutory responsibility for supporting qualifying bodies in the preparation of neighbourhood plans. Neighbourhood plans provide the opportunity for communities to set out how they want their community to develop. They should support the delivery of strategic policies in the local plan and can consider what infrastructure needs to be provided alongside development. The County Council's role is to provide advice on the impact of proposals in a neighbourhood plan on the services it provides. Once adopted, a neighbourhood plan becomes part of the local statutory development plan that forms the basis for determining planning applications in that area.

4.0 Spatial Geography

4.1 West Sussex is situated in the South East region. It covers 1,990 square kilometres (199,000 hectares) with more than half of the county protected by national landscape designations including SDNP, the High Weald Area of Outstanding Natural Beauty (AONB) and Chichester Harbour AONB. The county is divided into seven district and borough councils and the SDNPA (Figure 1). The main coastal development stretches from Bognor Regis in the west through Littlehampton and Worthing to Shoreham-by-Sea, Southwick and Fishersgate to the east. Inland, development in the east is concentrated around Burgess Hill on the county boundary with East Sussex and in the north-east of the county around Horsham, Crawley and East Grinstead. The county has transport links with London, Brighton and Hove

- and adjoining authorities (Brighton and Hove City Council, and county and district/borough councils in East Sussex, Hampshire and Surrey).
- 4.2 The strategic road network includes the coastal A27, the A23/M23 route from Brighton to London via Crawley, and the A24 from Worthing to Horsham. The rail network crosses east/west along the developed coastal area and north/south along two lines, the Brighton-London Mainline and the Arun Valley: from Brighton to Three Bridges; and from Arundel to Horsham and Crawley, continuing to London. Shoreham Harbour port is important for imports and exports and its location close to Brighton and Hove and East Sussex results in cross-boundary movement of goods and materials outside of the county. Gatwick Airport in the north of the county, in Crawley Borough, is a major international airport that makes a substantial contribution to the economic performance of West Sussex, the south east and London.



5.0 Joint Working

Minerals Planning

- 5.1 The geology of West Sussex is a sequence of broad zones from the south to the north including sand and gravel, brick clay, chalk and building stone. Oil and gas resources are present in West Sussex and are currently exploited on a limited scale.
- 5.2 Sharp sand and gravel is sourced mainly from the sea. Soft sand can only be won from land-won sources which largely lie within the SDNP. Minerals infrastructure plays an important role in the supply of minerals to West Sussex. Minerals that are extracted or imported are usually processed (screening, washing or crushing) at quarries, wharves or rail depots. Wharves in West Sussex are in Littlehampton and Shoreham and there are five rail depots which are situated in Crawley, Chichester and Ardingly.
- 5.3 Mineral Planning Authorities (MPA) should plan to meet a 'steady and adequate' supply of aggregates (soft sand, sharp sand and gravel and crushed rock) and the supply and demand for aggregates is set out in the Local Aggregate Assessment (LAA), which is produced annually. MPAs should also plan for industrial minerals (brick making clay, chalk and silica sand in West Sussex).
- 5.4 WSCC and SDNPA jointly prepared the West Sussex Joint Minerals Local Plan 2018 (JMLP), which sets out strategic policies for different types of minerals until 2033 and includes one site allocation for clay extraction. It provides the basis for making decisions about planning applications for minerals.
- 5.5 In accordance with Policy M2 of the JMLP, the WSCC and SDNPA are undertaking a single issue Soft Sand Review (SSR), which will identify the need for soft sand during the period to 2033, the strategy to meet the identified shortfall, and, as necessary, identify sites to meet the need.

Waste Planning

- 5.6 The West Sussex Waste Local Plan (WLP), prepared in partnership by WSCC and the SDNPA, was adopted in April 2014. The WLP covers the period to 2031. It provides a basis for consistent decisions about planning applications for waste management facilities. The Plan sets out four key areas which were prepared in order to help shape the future of waste management in West Sussex:
 - a vision and strategic objectives for sustainable waste management;

- nine policies to achieve the strategic objectives for the management of different waste types (Policies 1-9);
- 13 development management policies to ensure no unacceptable harm to the environment, economy or communities of West Sussex (Policies 11-23);
- six site allocations to help us meet the need for new facilities (Policy 10).
- 5.7 The WLP safeguards existing waste management sites and infrastructure (Policy W2) to ensure that other forms of development do not prevent or prejudice their use or operations, to ensure they continue to make an important contribution to the management of waste arising in West Sussex.
- The WLP was subject to a five-year review in 2019, as required by National Policy. The review concluded that the WLP remains relevant, effective, and 'fit for purpose'. The WLP will be subject to a further five year review in 2024. An early review may be triggered if that is indicated through monitoring.

Gatwick Diamond

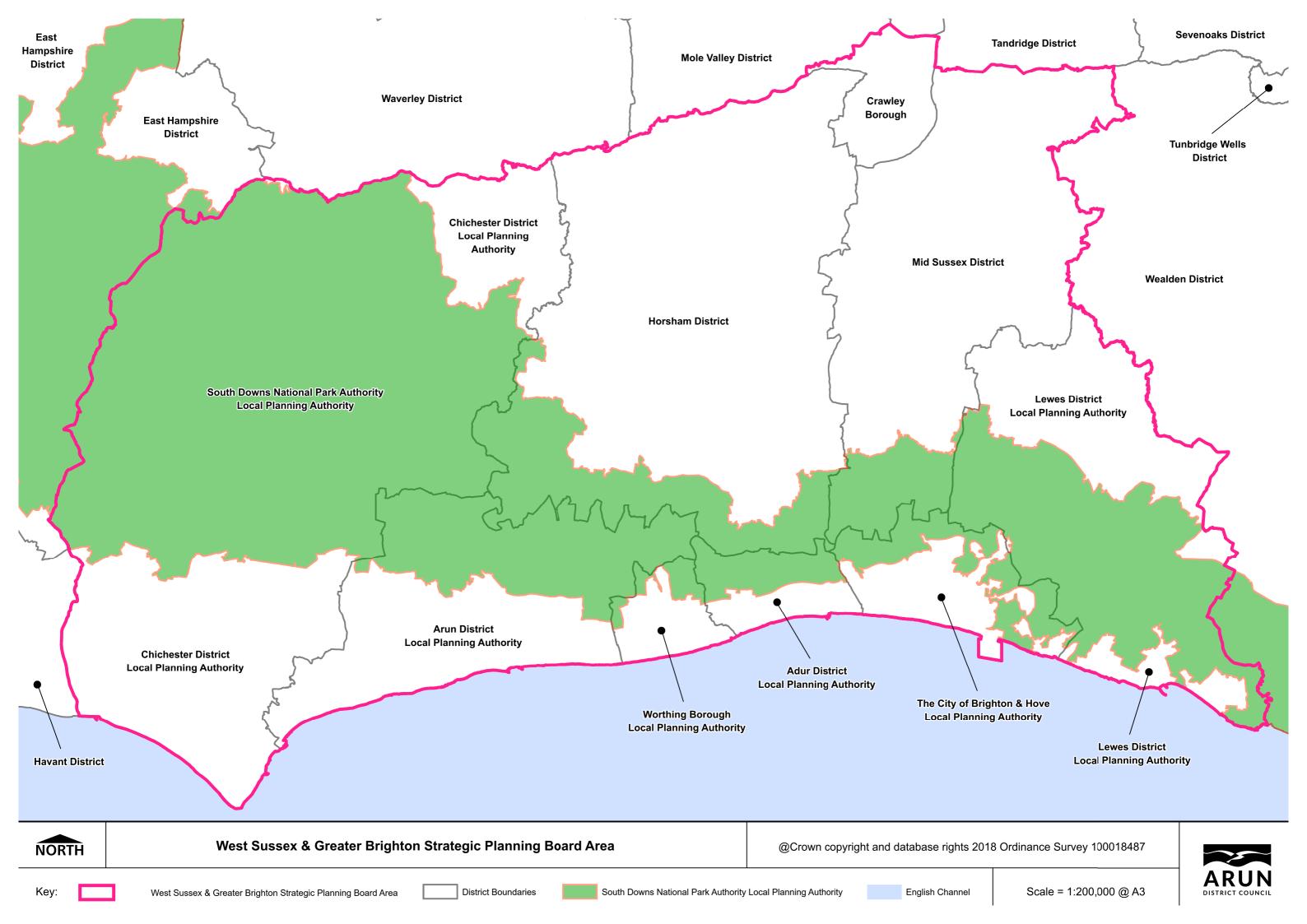
- 5.9 The Gatwick Diamond, with Gatwick Airport at its centre, includes the Counties of West Sussex and Surrey. Strategic planning across this area is carried out through the joint working and cooperation of the non-statutory Gatwick Diamond Local Planning Authorities groups (officer and member levels): Crawley, Epsom and Ewell, Horsham, Mid Sussex, Mole Valley, Reigate and Banstead District and Borough councils, and Surrey and West Sussex County Councils. This group have produced a signed Memorandum of Understanding, and a Local Strategic Statement (originally prepared in 2012 and updated in 2016). The Gatwick Diamond Initiative, a business-led partnership focusing on key strategic economic issues for the area, is funded and supported by the district and borough councils, two county councils and Gatwick Airport.
- 5.10 WSCC, Crawley Borough Council, Horsham District Council and Mid Sussex District Council are part of the Gatwick Joint Local Authority Members Group and Gatwick Officers Group. These groups have a Memorandum of Understanding and discuss any reports published by Gatwick Airport Limited in relation to the Gatwick Airport Master Plan, Action Plans, and Airport Surface Access Strategy, the submission of major planning applications or consultations, co-ordination of liaison arrangements between Authorities, any remedial measures put forward by Gatwick Airport Limited and other issues relating to the development of the airport of common interest.



Figure 2: The Gatwick Diamond Location (Source: Gatwick Diamond Local Strategic Statement).

West Sussex and Greater Brighton Partnership

- 5.11 The West Sussex and Greater Brighton Partnership include the following local planning authorities: Adur; Arun; Brighton and Hove; Chichester; Crawley, Horsham; Lewes; Mid Sussex; Worthing; WSCC and SDNPA. It looks at the strategic objectives and spatial priorities for delivering these in a sustainable way through a Strategic Planning Board.
- 5.12 Local Strategic Statements (LSS) have been prepared for the West Sussex and Greater Brighton Partnership and these are the main vehicles for taking forward the work of the West Sussex and Greater Brighton Strategic Planning Board. The LSS sets out strategic objectives and spatial priorities to reflect the partners' clear aspirations for long term sustainable growth (including addressing unmet housing need). The latest LSS (LSS2) has been updated to take account of changes that have been made in the area covered by the Board (to include Mid Sussex and Horsham Districts) and to take account of local plan progress. Crawley Borough has subsequently joined the Board and ongoing joint work has commenced on the preparation of LSS3 to cover the entire area.



6.0 General Matters

- 6.1 The **Parties agree** that they will continue to work together in a constructive and meaningful way in preparing local plans, neighbourhood plans, and IDPs. This includes the provision of advice on evidence bases and providing comments at informal and formal consultation stages.
- 6.2 The **Parties agree** to identify, as early as possible, areas of agreement and disagreement, in relation to the preparation of local plans, neighbourhood plans, and IDPs. A template is provided in Appendix A to be completed throughout plan preparation for submission, setting out where an agreement has been reached and where there are any outstanding matters that need to be resolved.
- 6.3 The **Parties agree** to seek to resolve any disagreements although this agreement shall not fetter the discretion of any party in the exercise of any of its statutory powers and duties.
- 6.4 The **Parties agree** that WSCC will identify what, where, and when new or improved infrastructure provided by WSCC (on a statutory basis or as a service provider) is needed to mitigate the impact of planned development.
- 6.5 The **Parties agree** that the LPAs will ensure that local plans make appropriate provision for new or improved infrastructure that is provided by WSCC (on a statutory basis or as a service provider).
- 6.6 The **Parties agree** that they will take reasonable steps to ensure meetings in relation to the above matters are attended and that, as necessary, cooperation takes place through the following:
 - meetings between WSCC and the LPA, with a dedicated WSCC officer liaising with each LPA;
 - regular meetings and information exchange through the Planning Policy Officer's Group (comprising Policy Officers from West Sussex and a representative from the Environment Agency) and the Chief Planning Officer's Group (CPOG);
 - strategic planning matters discussed between Chief Executives.

7.0 Strategic Matters

Waste Planning

7.1 The **Parties agree** to have regard to the national planning policy for waste and help deliver the waste hierarchy. They will work collaboratively to safeguard and provide a suitable network of facilities to deliver sustainable waste management and to minimise areas of conflict between the authorities on matters relating to waste management in accordance with Paragraph 8 of the NPPW (2014) which states that:

"When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities".
- 7.2 In accordance with Policy W2 (Safeguarding Waste Management Sites and Infrastructure) of the WLP, existing and allocated waste management sites should be safeguarded to ensure that the network for managing waste within West Sussex is maintained. The **Parties agree** that the impact of non-waste development on existing and allocated waste management sites will be considered and the WPA will be consulted during the preparation of local plans and neighbourhood plans for non-waste development that fall within a Waste Consultation Area (WCA). LPAs should also show allocated strategic waste sites on their policies map.
- 7.3 The **Parties agree** that the WSCC will provide the LPA with GIS data of the WCAs to ensure there is effective consultation between WSCC and the LPA. A list of safeguarded waste sites is provided in the West Sussex Monitoring Report (www.westsussex.gov.uk/mwdf) and the WCA will be updated and reissued to the LPAs as necessary.
- 7.4 The **Parties agree** that the development plan for the area, including waste plans, and matters relating to safeguarding of waste infrastructure should be raised at the pre-allocation site assessment stage to ensure that it is taken into consideration at the earliest opportunity. Further guidance on implementing the safeguarding policy in the WLP is in the Minerals and Waste Safeguarding Guidance (www.westsussex.gov.uk/mwdf).

7.5 The need for additional capacity at wastewater treatment works may arise as a result of development proposed in emerging local plans. Policy W6 of the WLP makes provision for new sites to be permitted to support new development. The **Parties agree** that they will continue to work together to support the delivery of additional capacity at wastewater treatment works to facilitate the delivery of development in their local plans. The **Parties agree** that proposals for non-waste development that may affect wastewater treatment facilities should be referred directly to the relevant water authority in accordance with their consultation protocol.

Minerals Planning

7.6 The **Parties agree** that they will work together to ensure that mineral resources and infrastructure are safeguarded in accordance with Policies M9 (Safeguarding Minerals) and M10 (Safeguarding Minerals Infrastructure) of the JMLP and Paragraph 5 of the Planning Practice Guidance which states that:

"Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a <u>Minerals</u> <u>Consultation Area</u>, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction".³
- 7.7 The **Parties agree** to have regard to the JMLP when identifying sites for non-mineral development and to refer to the West Sussex Minerals and Waste Safeguarding Guidance, which supports the policies in the JMLP.
- 7.8 The **Parties agree** to show Mineral Safeguarding Areas (MSA) and allocated strategic mineral resource and infrastructure sites (as set out in Appendices C, D and E of the JMLP) on their policy maps and to make reference to safeguarded minerals resources and infrastructure in their local plans where there are policy implications.

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³ Paragraph 5 of the Planning Practice Guidance.

- 7.9 The **Parties agree** that WSCC will provide the LPAs with GIS data of the MSA, Minerals Consultation Areas (MCA), and safeguarded/allocated sites. The MSA and allocated/safeguarded infrastructure (listed in Policy M10 of the JMLP) will be shown on the policy maps. The **Parties agree** that the impact of non-mineral development within the MCA⁴ will be considered and WSCC will be consulted during the preparation of local plans and neighbourhood plans for non-mineral development that fall within a MCA⁵. The LPA should take account of the views of WSCC.
- 7.10 The **Parties agree** that safeguarding mineral resources and infrastructure should be raised at pre-allocation stage to ensure that it is taken into consideration at the earliest opportunity.
- 7.11 The **Parties agree** that proposals for non-mineral development that fall within the MCA should be accompanied by the appropriate information as set out in the latest Minerals and Waste Safeguarding Guidance to assist in the consideration of the policy implications.

Waste Disposal

7.12 The **Parties agree** that WSCC will provide information on the required need for investment into future waste disposal infrastructure, which may include contributions towards waste handling and transfer of waste disposal infrastructure (such as transfer stations).

Education

7.13 The **Parties agree** that WSCC will provide consultation responses on, and support the delivery of, school places for primary, secondary and sixth form, early year's and provision for those with Special Education Needs and Disabilities (SEND) in the preparation of local plans, neighbourhood plans, and IDPs.

Transport

7.14 The **Parties agree** that the WSCC will provide advice and support during the preparation of local plans (including providing input into evidence base to assess the impact of future growth and to identify mitigation measures), neighbourhood plans and IDPs.

⁴ The Mineral Consultation Areas (MCAs) are based on the Mineral Safeguarding Areas (MSAs).

⁵ For consultation criteria, please refer to the Minerals and Waste Safeguarding Guidance (www.westsussex.gov.uk/mwdf).

Flood Risk Management

7.15 The **Parties agree** that the WSCC will provide the LPA with consultation responses on the surface water drainage provisions associated with the preparation of local plans, neighbourhood plans, strategic flood risk assessments, and other planning documents produced by LPA. The **Parties agree** to take account of the 'West Sussex LLFA Policy for the Management of Surface Water, 2018'(

https://www.westsussex.gov.uk/media/12230/ws Ilfa policy for managem ent of surface water.pdf) when preparing local plans.

Libraries

7.16 The **Parties agree** that WSCC will provide information on, and support the delivery of, the provision of library facilities during the preparation of local plans, neighbourhood plans, and IDPs.

Public Health

7.17 The **Parties agree** that they will work with LPAs to identify policy approaches to support public health in local plans, local plans, neighbourhood plans, and IDPs.

Adults Services

7.18 The **Parties agree** that they will work together to ensure that appropriate provision is made, where relevant, for older people through policies and site allocations in local plans, neighbourhood plans, and IDPs.

Fire and Rescue Service

7.19 The **Parties agree** that they will work together on infrastructure delivery to support the implementation of local plans, neighbourhood plans, and IDPs.

8.0. Signatories

West Sussex County Council (WSCC)

Michael Elkington, Head of Planning Services



Adur District Council (ADC)

James Appleton, Head of Planning and Development, Adur and Worthing Councils

Arun District Council (ArDC)

Uppldon

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Cllr Martin Lury (Cabinet Member for Planning, Arun District Council).

Chichester District Council (CDC)

Andrew frut.

Andrew Frost, Director Planning and Environment

Crawley Borough Council (CBC)

Clem Smith, Head of Economy and Planning

Horsham District Council (HDC)

Chan Saits

Catherine Howe, Head of Strategic Planning

Mid Sussex District Council (MSDC)

Sally Blomfield, Divisional Leader Planning and Economy

South Downs National Park Authority (SDNPA)

Tim Slaney, Director of Planning

Tim Steney

Xappldon

SA Blonfield

Worthing Borough Council (WBC)

James Appleton, Head of Planning and Development, Adur and Worthing Councils

Appendix A

Statement of Common Ground Template

[Name	of	Plan]

Statement of Common Ground

[Signatory authorities]

[Date]

Version	Plan making stage	Date

Introduction

Purpose

[Summary of what the SCG is about including Governance arrangements]

Roles and Responsibilities

[Authorities involved]

Spatial Geography

[Geographical area covered by the SCG including a map]

Joint Working

[Discussion about areas of joint working]

Strategic Matters and General Matters

Set out each matter; evidence of activities undertaken to address them; if any agreement has been reached/not reached; what is being done to address it matters that have not been agreed; links to evidence. Matters may include the following:

- Proposed development requirements and distribution as set out in the Local Plan:
- Infrastructure requirements as set out by WSCC;
- Matters relating to mineral and waste, including safeguarded areas, safeguarded infrastructure and site allocations.

Signatories

[List signatories involved]

Timetable for agreement, review and update

Current Plan stage	Target Reg. 18 date	Target Reg. 19 date	Target Submission date	Proposed Plan review date