Statement of Common Ground

as agreed between

Tandridge District Council and

Mid Sussex District Council
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1. Introduction

The basis for preparing this Statement of Common Ground

1.1 This Statement of Common Ground (SCG) has been prepared by Tandridge District Council (TDC) together with Mid Sussex District Council (MSDC). It sets out the position and understanding with respect to key, relevant Duty to Cooperate matters, and agreed actions to resolve outstanding matters. It is not binding on either party.

1.2 The purpose of this SCG is to set out the basis on which TDC and MSDC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. TDC have prepared their Local Plan for Regulation 19 consultation during the summer of 2018. This statement also describes the established mechanisms for ongoing cooperation on strategic matters.

1.3 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2012 it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness.

1.4 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG) “local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.” The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.

1.5 The administrative areas set out in Appendix A show that TDC and MSDC share a common boundary and hence are required to work cooperatively in an effective way to address key strategic matters pertaining to these areas.

2. Key Matters

Housing

2.1 Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. Paragraph 47 of NPPF is very clear that ‘local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this framework…’.
2.2 TDC prepared a Housing Market Assessment (HMA) Paper as part of their Strategic Housing Market Area Assessments (SHMAs) in 2015 and updated this in 2018. The HMA papers set out that “...evidence points towards Tandridge being a functional component of a HMA including Croydon, Reigate and Banstead and Mid Sussex.”

2.3 However, it is equally apparent – and of importance for the Council in developing the Local Plan – that all of the authorities which are identified as forming this functional HMA (Croydon; Reigate and Banstead; and Mid Sussex) have NPPF-compliant adopted Local Plans which are less than five years old. These plans have been assessed as meeting housing needs in the context of their own HMAs, which do not include Tandridge.

2.4 TDC’s 2015 SHMA has identified an objectively assessed housing (OAN) need for the district of 470 houses per annum which amounts to 9,400 dwellings over 20 years. Following the publication of the 2018 household projections, TDC updated their OAN paper in line with the NPPF 2012, which includes the uplift of the projections based on market signals. The 2018 paper identified an OAN of 398 dwellings per annum.

2.5 MSDC have indicated that the strategy proposed in the Plan to deliver housing does not go far enough to address the significant housing need in Tandridge District. MSDC in their representation to TDC Local Plan Regulation 19 state that “having established the principle that exceptional circumstances do exist because Tandridge does have significant unmet housing need, the Assessment should be proactively seeking to identify land which could be released from the Green Belt, to enable more sites for housing to be provided, particularly around Tier 1 and Tier 2 settlements which are the most sustainable settlements”.

2.6 TDC’s Housing Land Supply Paper 2018 sets out when considering all the evidence, including the constraints within the District, a total of 6,150 dwellings over 20 years is the maximum capacity achievable in the District. This includes a buffer of 5%. This will lead to an unmet housing need of approximately 1,904 dwellings in Tandridge based against the OAN 2018. In seeking to meet their unmet housing need, TDC has engaged with neighbouring councils within their HMA to explore the possibility of them assisting TDC to meet this need.

2.7 Both parties recognise that there is a significant unmet need from TDC, and while work has been done to release land from the Green Belt, this is not sufficient to enable the Plan to fully meet the District’s housing need.

2.8 In seeking to meet their unmet housing need, TDC has engaged with neighbouring councils within their HMA to explore the possibility of them assisting TDC to meet this need. NPPF 2012 paragraph 179 states “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 this Framework”.

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2 TDC are aiming to submit their Local Plan by January 2019, which is within the 6 month transitional window where existing plans are to be examined against the NPPF 2012.
2.9 Mid Sussex forms part of the wider Northern West Sussex housing market area, which also covers Crawley and Horsham. The Mid Sussex District Plan was adopted in March 2018. In his report, the Inspector referred to the Northern West Sussex housing market area and did not challenge its definition. In fact, the Inspector’s proposed modifications explicitly refer to the Northern West Sussex as the ‘primary HMA’ for Mid Sussex.

2.10 Further, the Inspector for the Mid Sussex District Plan makes it clear that Tandridge is not in the same housing market area as Mid Sussex, for the purposes of contributing towards unmet housing need. The Inspector goes further and attributes ‘first priority’ to assist in unmet needs to the Northern West Sussex and Coastal West Sussex housing market areas.

2.11 The parties agree that the Inspector for MSDC did not agree that MSDC should meet all or any part of TDC’s unmet housing need. MSDC confirms that it is unable to meet this need.

2.12 In line with MSDC District Plan Policy DP5, both authorities will work jointly and proactively with the Gatwick Diamond and the West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub region.

2.13 As part of the preferred strategy, TDC have allocated South Godstone Garden Community for around 4,000 dwellings. MSDC has requested that TDC engage with MSDC on the preparation of an Area Action Plan for the Garden Community, to enable consideration to be given to all issues arising from the development which will affect either District.

2.14 MSDC will carry out a review of the District Plan in 2021.

**Actions**

- TDC and MSDC will agree a governance structure within the next two years so that joint strategic plans are prepared to consider where unmet need could be met, including working together through the LSS process on strategic priorities affecting the LEP.
- TDC to undertake a 5 year review of the Local Plan.
- MSDC will carry out a review of their District Plan in 2021.
- TDC to engage with MSDC on preparation of the South Godstone Garden Community Area Action Plan.

**Infrastructure**

**Other infrastructure**

*Road Networks*

2.15 MSDC have concerns relating to the capacity of the A22 to absorb the additional traffic which will be generated by a Garden Community, and the impact that traffic travelling south from Tandridge District will have on junctions in East Grinstead.

2.16 MSDC is currently preparing a Site Allocations DPD, which will make provision for 2,500 new homes across the District, some of which could be in the East Grinstead area. MSDC and TDC agree that planned impacts of growth need to be considered jointly.
The Strategic Transport Assessment for the draft Local Plan identified that there would be a potential severe impact at the Copthorne roundabout in Mid Sussex District, as set out in NPPF (2018) paragraph 109, from proposed development over the period to 2033. TDC has considered the assessment, discussed with West Sussex County Council and MSDC, and appointed consultants to undertake a further assessment of the Copthorne roundabout (A264/A2220). This work is required to assess and identify that any impacts from the development can be appropriately mitigated with a deliverable junction improvement design.

The Strategic Transport Assessment for the draft Local Plan identified that there would be a potential severe impact at the Felbridge junction in Mid Sussex District, as set out in NPPF (2018) paragraph 109, from proposed development over the period to 2033. TDC has considered the assessment, discussed with West Sussex County Council and MSDC, and appointed consultants to undertake a further assessment of the Felbridge junction (A264/A22). This work is required to assess and identify that any impacts from the development can be appropriately mitigated with a deliverable junction improvement design.

Public Transport Provision

As part of the proposed development at South Godstone, MSDC and TDC will work together to discuss opportunities for sustainable transport provision to reduce the potential impact of traffic in both Districts, particularly along the A22 corridor and in East Grinstead. Further, MSDC would welcome opportunities to discuss bus service provision to link the Garden Village with East Grinstead, and to agree routeing and frequency of this bus service, which will affect both Tandridge and Mid Sussex District residents.

Actions

- TDC with West Sussex County Council (WSCC) and Surrey County Council (SCC) will prepare the Copthorne roundabout and Felbridge junction feasibility assessments, with an aim to publish this before the end of the 2018. MSDC supports this work.
- TDC and MSDC, with West Sussex County Council (WSCC) and Surrey County Council (SCC) will continue to work together to implement the junction’s improvements required.
- TDC will update their Infrastructure Delivery Plan to reflect the outcomes of these studies.
- MSDC will update their Infrastructure Delivery Plan to reflect the need for infrastructure to support planned growth.
Conservation and enhancement of natural and historic environment

Ashdown Forest

2.20 MSDC has prepared a Habitats Regulations Assessment (HRA), which demonstrates that the planned development of 876 dwellings per annum in the District Plan will not have an adverse impact on the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The primary concern is the nitrogen deposition resulting from traffic emissions on the A22 and other roads through the forest on the lowland heath. Further HRA assessment will be required to assess the impact of a higher level of development in the Mid Sussex District Plan of 1,090 dwellings per annum, from 2023/2024. In addition, MSDC has commenced preparation of a Site Allocations DPD, and this will also be subject to HRA.

2.21 Policy TLP36 of the TDC Local Plan addresses the mitigation requirements for residential development within 7km of the Ashdown Forest Special Protection Area (SPA) and notes that Suitable Alternative Greenspace (SANG) contributions could be made to a SANG site outside of Tandridge District.

2.22 Currently MSDC has limited capacity in their existing SANG at Ashplats Wood and has therefore indicated that they are not able to accept financial contributions from TDC at this time towards SANG provision. However, work is underway to identify further SANG provision in Mid Sussex to support planned development in the Site Allocations DPD, and both councils will continue to liaise on the use of future SANG. Policy SGC01 of the TDC Local Plan identifies that the proposed Garden Community will provide 100 Hectares of open space as part of the development, which could be used for SANG provision. TDC and MSDC are also signatories of the Ashdown Forest Statement of Common Ground, which has a number of actions that are currently being implemented.

Action

- MSDC and TDC to work together on the provision of SANGs within both Districts.

2 Actions going forward

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**Tandridge District Council Local Plan: Statement of Common Ground with Mid Sussex District Council, December 2018**

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### 3 Signatories/Declaration

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<th>Signed on behalf of Tandridge District Council (Chief Executive)</th>
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