Statement of Common Ground

as agreed between

Tandridge District Council and Surrey County 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 Surrey County Council (SCC). It reflects the agreed position between the parties.

1.2 The purpose of this SCG is to set out the basis on which TDC and SCC 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 SCC 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. **Evidence base and Local Plan development**

2.1 TDC and SCC have engaged proactively and on an ongoing basis during the preparation of the Tandridge Local Plan with both parties sharing the objectives of achieving positive outcomes in relation to strategic cross boundary issues identified and supporting sustainable growth.

2.2 SCC acknowledges the findings of the following evidence-based studies and assessments:

   - Tandridge District Infrastructure Delivery Plan (2018)
   - Tandridge District Council Water Cycle Study – Phase 1 Scoping Study (2018)
3. **Key matters in relation to the Regulation 19 Local Plan**

3.1 SCC has responsibility for the following strategic functions which are particularly relevant to the development of the Tandridge Local Plan:

- In its role as the local highway authority, providing advice and negotiating the delivery of highway improvements to support development sites;
- Ensuring that there are sufficient school and early years places to support growth in Tandridge;
- The disposal of household waste and provision of suitable local infrastructure to support recycling such as community recycling facilities;
- In its role as the minerals and waste planning authority, providing advice regarding the safeguarding of important minerals resources and the provision and safeguarding of strategic waste infrastructure – this particularly with regard to the location of new housing development; and
- In its role as Lead Local Flood Authority, providing advice and working in partnership with Tandridge as a Risk Management Authority to reduce flood risk including through flood alleviation measures and Sustainable Drainage Systems.

### Infrastructure

#### Policies and Sites

3.2 SCC welcomes the commitment to joint working to ensure the delivery of improved infrastructure as set out in Objective SO17. However, SCC is concerned in relation to the infrastructure requirements identified and potential funding arrangements. The following section sets out the specific issues in relation to policies and sites within the Regulation 19 Local Plan.

3.3 SCC have raised concern that some of the sites infrastructure requirements do not meet the planning obligations requirements as they are not:

(1) Necessary to make the development acceptable in planning terms;
(2) Directly related to the development; and
(3) Fairly and reasonably related in scale and kind to the development.

3.4 TDC prepared a Planning Obligations and CIL guidance note, published in July 2015. This document will need to be updated to reflect the Local Plan. However, it has been used to set
out the infrastructure requirements without the HSG policies. TDC agree to review the list of infrastructure requirements and amend where appropriate.

**Policy TLP04**

3.5 Policy TLP04 relates to the use of the Community Infrastructure Levy (CIL) on strategic priorities. The strategic priorities agreed by the TDC CIL Committee in June 2018 relate to:

- Increase capacity in education
- Increase capacity in health
- Flood alleviation; and
- Supporting regeneration.

3.6 SCC are concerned that policy TLP04 prevents the use of CIL to fund highways and transport schemes. TDC acknowledge that highways schemes can only be funded through CIL in relation to supporting regeneration. SCC also requires clarification on how s106 / s278 and CIL will be utilised together. TDC have agreed to amend the supporting text to reference the Planning Obligations and CIL guidance note.

3.7 TDC propose to amend the wording of Policy TLP04 to reflect that CIL could be utilised to fund highways and transport schemes where necessary. A decision from the TDC CIL committee in December 2018 to introduce flexibility to the strategic priorities will be sought.

3.8 SCC are also concerned that infrastructure will not be provided prior to the commencement of development. TDC propose to amend Policy TLP04 to clarity this.

3.9 The proposed wording for Policy TLP04 that is agreed is:

**TLP04: Infrastructure Delivery and Financial Contributions**

New development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced, more self-sufficient communities.

Progress on the delivery of infrastructure will be monitored and the Infrastructure Delivery Plan (IDP) will be updated to reflect changes in infrastructure need, for example to highlight where projects have been delivered and to identify alterations to funding levels and sources. The IDP will be a 'living document' and sit alongside our development plan which will include the subsequent South Godstone Garden Community Area Action Plan (AAP). Applications must demonstrate mechanisms to provide infrastructure set out in the most up-to-date iteration of the IDP.

As development proposals progress through the development management process, the need for further mitigation measures could emerge, in addition to those required in the Housing Allocations policies. The policy requirements for specific contributions do not preclude the need to fund further mitigation measures that may be identified at a later stage as being required to make the development acceptable in planning terms.
Community Infrastructure Levy will be utilised to fund strategic infrastructure, as appropriate and on reflection of the Council’s current and future strategic funding priorities.

Planning permission will be granted for development subject to infrastructure constraints being resolved in agreement with the Local Planning Authority. Infrastructure should be provided prior to commencement, where appropriate. Every effort should be made to phase development alongside the delivery of infrastructure so as to reduce demands on all associated infrastructure, as far as is practicably possible.

For non-allocated sites the timing of infrastructure provision and/or contributions will be determined on a case by case basis.

Applicants will either make on-site provision or will contribute towards the provision of local and strategic infrastructure required by development, either alone or cumulatively with other developments. These contributions will be required in accordance with the IDP, unless an alternative arrangement is agreed with the Local Planning Authority.

The Council would expect to be proactively involved in the early discussions between applicants and infrastructure providers, where relevant, to limit any potential delay to the overall application and delivery process. Applicants will also be advised to share any viability work they have had carried out early on in the application process, including at pre-application stage where available.

The Council will take a proactive role to deliver policy objectives, including through the use of statutory powers if needed and where possible.

Policy HSG13

3.10 SCC cannot commit to the provision of an all through primary school as part of this site identified as a ‘Strategic Opportunity’ in the Local Plan. SCC has calculated the infrastructure requirement for the Oxted & Limpsfield area to be for an additional 1FE of primary provision. The Junior element of this is proposed to be accommodated via the expansion of St. Peter’s C of E Infant School into an all-through primary, as set out in the IDP. This leaves an outstanding infrastructure requirement of 1FE of infant provision, which SCC believes could readily be accommodated via the expansion of Hurst Green on its existing site. From SCC’s perspective, the amalgamation of the Hurst Green and Holland Junior Schools is not a prerequisite in this respect.

3.11 TDC are concerned that removal of this opportunity for infant expansion in the local area from the policy would result in there being no alternative. The policy was proposed in the absence of an alternative and so it is considered that the strategic opportunity should be maintained for this site and amendments to the policy and the IDP should not be made.
Policy HSG15

3.12 SCC have identified that the policy refers to a 3FE entry, where it should be a 2FE. TDC propose to make this amendment and reflect this in the Infrastructure Delivery Plan.

Policy HSG20

3.13 SCC suggest the Policy should not reference Caterham in the title as the policy is not specific to the area of Caterham but as stated covers Warlingham also. ‘Caterham’ will be deleted from the policy title.

Policy SES03

3.14 SCC requires Policy SES03 to be amended to reflect that the western part of the site is a former claypit rather than the south western part of the site, and that this does not constitute previously developed land. SCC also requires an amendment to the reference of Surrey Waste Planning Authority rather than Surrey Waste Authority. TDC propose to amend the site description in the policy and make the status of the site clear, and to amend the reference to Surrey Waste Planning Authority.

Policy SES04

3.15 SCC identify that the policy allocates a former mortar plant which requires a restoration condition to be implemented and therefore this part of the site should be removed. TDC require this site to be provided to assist in meeting its employment need. The site is also allocated as a strategic employment site and therefore is a key site in delivering employment needs.

3.16 The Moorhouse Sandpits requires restoration to low level woodland, including the portion currently proposed to be allocated for development within Policy SES04. The mortar plant site is the subject of an enforcement notice upheld by the Court of Appeal which requires that the land be reinstated to a use for temporary mineral working by the removal of the existing concrete surface. SCC considers that a modification to the boundary of the site is required to exclude the area of land which forms part of the Moorhouse Sandpits site.

3.17 The Council understand the position of SCC. However, do not consider an amendment to the boundary necessary and as such would suggest an alternative approach at this stage which would still result in an alteration to the policy SES04. The proposed wording to be inserted into the Policy SES04 is:

“Whilst a potential intensification space of 2.84ha is identified, the Council recognise that the southern tip of this site, comprises part of a temporary mineral site within the Green Belt and the AONB and may act as a constraint to delivering the intensification in full. In keeping with the nature of the AONB and a restoration requirement which is in place for the Moorhouse Sandpits, any scheme will be required to make provision for low level woodland and other associated restorative elements on the relevant areas.”
Policy IES06

3.18 SCC are concerned that contributions to junction 6 capacity improvements do not appear reasonably related in scale and kind to the development. TDC accept this position and have suggested this as a main modification for the Inspector to consider as part of the Examination. There are several main modifications where TDC have suggested to the Inspector that some of the highways provisions could be removed from the allocation policies. Consequently, these main modifications have not be amended in the Local Plan document or the IDP at this stage.

Policy TLP43

3.19 SCC would like clarity to be provided on this policy in relation to archaeology and historic landscapes elements of Policy DP20 of the Tandridge Local Plan: Detailed Policies. TDC propose to amend the wording of the policy to clarify and include reference to DP20.

Waste, Para 30.46

3.20 SCC would like ‘Surrey Waste Planning Authority’ used. TDC propose to make this amendment.

Policy TLP50

3.21 SCC are concerned that limiting the operation bus related infrastructure and operational subsidy to the first 10 years of occupation of the development is not likely to be sufficient to secure viable services and that this should be provided in perpetuity. TDC agree to make this amendment in the policy.

Garden Community

3.22 SCC would like Strategic Objective 8 to mention the need to secure appropriate off site infrastructure along the A22 and the surrounding land and footpath networks. TDC propose to make this amendment.

3.23 SCC is concerned about the introduction of an A22 relief road as such a diversion would result in severance with the new build on one side of the alignment. TDC are convinced that the A22 requires an access road into the development to take traffic off the A22 and serve the Garden Community. This is not considered to be a relief road or ‘by-pass’ and clarification of this is to be provided in the policy. TDC will amend to reference to spine road.

3.24 SCC identify that there is no mention of “heritage”, for example Park Pale and Lagham Park, and that an assessment of heritage assets is required prior to the development of any masterplan, as well as a commitment to the preservation in-situ of the more significant assets identified above and below ground. TDC propose to amend the wording of the policy to recognise the heritage assets on the site. The development will need to undertake archaeology surveys, and this can form part of the Area Action Plan. TDC have agreed to amend Policy TLP43, which references DP20 and will provide the clarity required.
**Infrastructure Delivery Plan**

3.25 The Infrastructure Delivery Plan (IDP) is a living document that can be updated when further information has been provided, whether that is through planning applications, agreed s106 arrangements, feasibility assessments completed, successful CIL bids, and other funding streams become available, etc.

3.26 SCC are concerned that the funding arrangements in the IDP are unlikely to cover the costs of the infrastructure delivery and that some of the ‘high’ priority schemes are not essential to support growth and are more appropriate for CIL funding than s106 contributions. TDC will review the wording in the IDP for what constitutes ‘high, medium and low’ priorities.

3.27 SCC identify that the funding arrangements for a number of highways schemes and education facilities are set out as Surrey County Council or the Local Committee. For clarity, TDC propose to add another column to the IDP that sets out the infrastructure provider and will review the funding arrangements column. SCC consider that CIL should be identified in a funding source for highways. TDC will amend the IDP to reflect this, although any scheme will have to submit a bid and be approved by the CIL Committee.

3.28 SCC would like to see the Oxted education and St Mary’s provision amended to 1FE entry expansion and not 4FE. For clarity, TDC propose to make this minor modification.

3.29 SCC would also like to see the funding arrangements for Warlingham primary school expansion to state “developer to provide serviced land at nil cost and transfer it to SCC” TDC agree to make this change in the IDP and that if necessary funding is to be provided by SCC for the school delivery.

4. **Strategic matters**

**Highways infrastructure to support growth in Tandridge**

4.1 In relation to highway infrastructure specifically, TDC and SCC are committed to continue working together in partnership, with the aim of ensuring the necessary highways improvements to support sustainable growth are delivered in a timely manner over the period of the TDC Local Plan.

4.2 TDC and SCC recognise that securing sufficient funding to deliver highway improvement schemes is important. The two parties are committed to working together to secure the necessary funding and will positively consider all available mechanisms.

4.3 TDC and SCC are committed to continued partnership working on the submission of joint bids to unlock funding to support sustainable growth in the District over the period of the TDC Local Plan.
4.4 SCC will work with TDC to produce a Local Transport Strategy and Forward programme of transport infrastructure to support the growth set out in the Local Plan, subject to funding. It will form part of the Local Transport Plan and provide evidence for funding bids.

4.5 TDC agrees to keep SCC fully informed of any changes to the phasing and/or amount of growth to be delivered in Tandridge over the period of its Local Plan to enable SCC to properly plan for and prioritise supporting highways infrastructure.

**Other infrastructure to support growth in the TDC Local Plan**

4.6 SCC understands the amount of growth and phasing of growth (particularly housing growth) which is anticipated to come forward in Tandridge up to 2033 as set out in the Tandridge Local Plan. In line with its statutory duty, SCC will ensure that there are sufficient school places to support growth. SCC will also factor the level of growth in Tandridge into any future plans relating to the provision of library services across the County.

4.7 TDC agrees to keep SCC fully informed of any changes to the phasing and/or amount of growth to be delivered in Tandridge over the period of its Local Plan to enable SCC to properly plan for and prioritise the provision of supporting infrastructure.

**Waste**

4.8 TDC and SCC are preparing a separate Statement of Common Ground on waste matters.

5. **Governance Arrangements**

5.1 It is agreed that informal discussions will occur between TDC and SCC on an ongoing basis in relation to the strategic and cross boundary issues referred to in this document. A formal officer level meeting will occur at least once every 4 months with escalation to member level where necessary. At these meetings the primary focus will be related to the funding and delivery of infrastructure to support sustainable growth in Tandridge.

5.2 It is agreed that this Statement of Common Ground will be reviewed by the two authorities at a joint Duty to Co-operate meeting which will be held on an annual basis. Until otherwise agreed, TDC will act as the Chair and Secretariat for these meetings.

5.3 The Local Committee made up of TDC and SCC members will continue to meet quarterly to be updated on transport schemes as well as proposing any new highways matters. TDC’s CIL Committee will continue to monitor the CIL income and manage CIL spend.
6. Actions going forward

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<thead>
<tr>
<th>Key Issue</th>
<th>Agreed Action</th>
<th>Other comments</th>
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<tbody>
<tr>
<td>Policies ‘HSG’s</td>
<td>Suggest where ‘infrastructure requirements’ within these policies should be removed as they do not meet the planning obligations test. These are set out as main modifications for the Inspector to consider.</td>
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<tr>
<td>Policy TLP04</td>
<td>Amend to reflect that the Community Infrastructure Levy strategic priorities could relate to highways</td>
<td>Amen to reflect infrastructure requirements are provided prior to commencement of development</td>
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<tr>
<td>Policy HSG15</td>
<td>Amend 3FE to 2FE in the policy</td>
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<td>Amend policy wording to recognise the restoration condition that within the site boundary.</td>
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<tr>
<td>Policy TLP43 / supporting text</td>
<td>Amend policy to clarify what is expected from developers as well as include reference to DP20.</td>
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<tr>
<td>Para 30.46</td>
<td>Amend text to read “Surrey Waste Planning Authority”.</td>
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<td>Policy TLP50</td>
<td>Amend policy to reflect bus services to be subsided in perpetuity.</td>
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<td>Garden Community</td>
<td>Amend SO8 to reflect the need to secure appropriate off site infrastructure along the A22 corridor and on surrounding lane and footpaths.</td>
<td>Amend “relief road” to “spine road” in the Garden Community. Amend policy to reference the heritage assets and archaeology on the site.</td>
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<tr>
<td>Infrastructure Delivery Plan</td>
<td>Amend the high, medium and low priorities.</td>
<td>Add another column to the IDP that sets out infrastructure provider and review the funding arrangements column. Amend Oxted education and St Marys School to 1FE from 4FE. Add to Warlingham Primary School that “developer to provide serviced land at nil cost and transfer it to SCC”.</td>
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</table>
Highways | Joint working to produce a Local Transport Strategy and Forward programme, and keep each other up to date on phasing and amount of growth to be provided within Tandridge.  
---|---
Other Infrastructure | SCC will ensure there are sufficient school places to support growth and consider the provision of library services.

### 7. Signatories/Declaration

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<thead>
<tr>
<th>Signed on behalf of Tandridge District Council (Councillor)</th>
<th>Signed on behalf of Tandridge District Council (Chief Executive)</th>
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<th>Signed on behalf of Surrey County Council</th>
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<tr>
<td>Position: Planning Group Manager</td>
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<td>Date: 11 December 2018</td>
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Appendix A: Administrative Areas