Statement of Common Ground

as agreed between

Tandridge District Council and West Sussex County Council
Tandridge District Council Local Plan: Statement of Common Ground with West Sussex County Council, October 2019

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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 West Sussex County Council (WSCC). 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 WSCC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. TDC have prepared their Local Plan for submission in January 2019, with Examination Hearings in October/November 2019. This statement also sets out the actions agreed to be necessary to secure mitigation for the South Godstone Garden Community (SSGC) on the WSCC managed highway network at the locations of Copthorne and Felbridge, noting that the Felbridge location also extends into the Surrey County Council (SCC) managed network. It further 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) 2019 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 NPPF paragraph 24 refers to "Local planning authorities and county councils (in two tier areas) are under a duty to cooperate with each other...on strategic matters that cross administrative boundaries". In paragraph 27 it goes on to refer to 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". 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 shows that TDC and WSCC 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

2.1 TDC is working with West Sussex County Council (WSCC) to ensure that County Council infrastructure required to mitigate development is identified and delivered. One County
Council infrastructure area of concern has been identified through the preparation of the Local Plan, regarding the potential severe impact on the road networks from future planned development. The approach to assessing and resolving this area of concern has been agreed and set out in this statement of common ground.

Infrastructure - Transport

2.2 Concerns have been raised by WSCC regarding the potential severe impact on the road networks in light of the proposed Garden Community. This being as a result of increased traffic on existing junctions and major routes which are congested during periods of peak travel demand.

Copthorne Roundabout

2.3 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 (2019) paragraph 109, from proposed development over the period to 2033. TDC has considered the assessment, discussed with WSCC and Mid Sussex District Council (MSDC), and appointed consultants to undertake a further assessment of the Copthorne roundabout (A264/A2220). Two linked technical reports have been prepared; ‘Copthorne Roundabout Local Model Validation Report’, referenced below as “Copthorne LMVR” and ‘Copthorne Hotel Junction, Mid Sussex Feasibility Engineering Design Report’, referenced below as “Copthorne Design Report”. Systra have developed, tested for capacity and delay and estimated the cost of two principal design options for the junction.

- Option 1 is a multi-junction including a signalised cross-roads on the A264 with restricted turning movements, plus a signalised T junction on the A264 (all movements) with two priority T junctions and a short road link to connect together and to maintain the access to the adjacent hotel. This option would limit access inbound to Copthorne Village at Brookfield Road to buses only from the A2220. Brookfield Road would continue to provide egress from Copthorne for all vehicle types.
- Option 2 is a signalised T junction with arms for the A264 and A2220 only, plus a priority T junction on the A2220 to maintain access to the hotel. In this option Brookhill Road would be closed to traffic, including for buses.
- Systra also undertook a sensitivity test of Option 1 (referred to hereafter as the Sensitivity Test Version of Option 1) which would permit the left turn from A264 eastbound into Brookhill Road to access Copthorne Village. The A2220 approach to the signalised crossroads remains as bus-only in this test. Other traffic towards Brookhill Road from A264 westbound, A2220 and the Hotel would be able to turn at the new Heathy Farm roundabout on the A264 to the west of Copthorne, to approach the junction with Brookhill Road on A264 eastbound. This junction capacity sensitivity test is reported in the Copthorne LMVR, although there is not a corresponding amended design plan in the Copthorne Design Report.
2.4 The reporting process concluded that Option 2 would not be acceptable due to the extent of traffic diversion which would be required.

2.5 WSCC and TDC agree that the Option 2 junction design should not be developed or considered further to mitigate the impacts of the Tandridge Local Plan as the impacts listed in the Systra reporting are unlikely to be overcome.

2.6 Option 1, as designed and forecasted is expected to resolve the identified capacity issues at the junction, but still presents some barriers to acceptability and deliverability, although WSCC and TDC consider these possible to resolve with continued development and modification to the design. The issues raised are:

- Diversion of traffic towards Copthorne Village away from Brookhill Road (except buses) to Borers Arms Road, along with the need for additional physical traffic restrictions to protect Newtown from through traffic.
- Land acquisition, stated to total approximately 338 square metres, is required outside of the existing highway. This is divided into three parcels:
  - On the north side of the A264 to the west of the junction to enable widening the A264 eastbound approach to the junction.
  - On the southwestern side of the junction, by the point where the former stub of Copthorne Road approaches the A264, to enable provision of a dedicated left turn lane from A2220 to A264.
  - On the south side of the A264 to the east of the junction, to enable widening the A264 westbound approach to the junction.

2.7 The Sensitivity Test Version of Option 1 would have a physical design that is similar to Option 1 but also includes a left-turning slip from A264 to Brookhill Road. This means that the land requirements would be unaltered. This version of the junction design would avoid potential traffic intensification at Borers Arms Road and Newtown. TDC and WSCC consider that the Sensitivity Test Version of Option 1 would successfully mitigate severe impacts at the Copthorne Hotel junction, provided that the required land can be secured, so preventing the potential need for third party land from becoming a potential "showstopper" to the implementation of the SGCC. To implement the Sensitivity Test Version of Option 1 would not, of itself, prejudice possible later adoption of Option 1, for example if it were to form part of a future strategic project to enhance public transport and address other issues throughout the Crawley to East Grinstead corridor.

2.8 TDC and WSCC consider that in the absence of a strategic project, Option 1 and the Sensitivity Test Version of Option 1 should be further developed at Area Action Plan or planning application stage, whichever may arrive first, including consultation with stakeholders and public. At that time, the A264 Heathy Farm roundabout should also be
tested to determine if any amendment to the highway layout would also be required there as a result of the additional U-turning movements from the proposed bus-only link at Copthorne.

2.9 Felbridge Junction

2.10 WSCC have also identified concerns relating to the junction of the A22 and A264 at Felbridge and TDC are working on further assessment of this junction together with SCC, WSCC and MSDC for the junction to demonstrate mitigation measures that are both deliverable and feasible. The Junction is located on the County boundary with the majority situated in Surrey, Tandridge District and a small area in West Sussex, Mid Sussex District.

2.11 WSP were appointed to produce a technical report including junction option designs to balance the requirement for increased traffic flows from development with provision of safe and convenient facilities for non-motorised highway users including cyclists and pedestrians. Currently all of the parties are continuing to work to achieve a common solution. The authorities are also working together to secure funding to deliver the improvements and an application for funding from the Housing Infrastructure Fund was submitted in March 2019.

2.12 The analysis to date has shown that any solution which is effective in traffic capacity terms and also provides adequate pedestrian facilities may require third party land outside the existing highway boundary. The extent and location of this requirement will depend on the junction design to be developed and chosen. Therefore, in the absence of a strategic project, WSCC consider that further evidence should be provided at Area Action Plan or Planning Application stage, whichever may arrive first, to demonstrate that the land can be acquired to deliver the improvements, if necessary, within the timescales required at acceptable cost.

3. Proposed Policy Amendment

3.1 As a result of the work which has been undertaken on these junctions to date, West Sussex County Council considers that an amendment should be made to the text of Policy SGC01: South Godstone Garden Community under the Roads and Infrastructure subheading, to amend the first sentence of the second paragraph to state; “Early on in the development, necessary improvements and mitigation to junctions along the A22, from J6 of the M25 down to East Grinstead, will be implemented where needed, as well as at the A264/A2220 junction at Copthorne.”
4. **Action**

4.1 TDC and WS CC, with MSDC and SCC will continue to work together to:

- agree a design for the Felbridge junction and identify the land requirements for that improvement;
- secure sufficient funding and implement the junction improvements required;
- ensure through the Area Action Plan or Planning Application process, whichever arrives first, that if any third party land is required to implement these junction improvements, that it is acquired, including potentially through use of compulsory purchase powers if that is necessary; and
- TDC will update their Infrastructure Delivery Plan to reflect the outcomes of these studies.

5. **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>Copthorne and Felbridge Junct</td>
<td>TDC and WS CC, with MSDC and SCC will continue to work together on the Felbridge junction studies to secure sufficient funding and implement the junction improvements required.</td>
<td>TDC will seek to take forward the South Godstone Garden Village through the creation of an Area Action Plan or alternative mechanism. This Plan will contain appropriate measures to ensure that, if any third party land is required to implement these junction improvements, that it is acquired, including potentially through use of compulsory purchase powers if necessary. Should a planning application come forward prior to an Area Action Plan being adopted, the sufficient land requirements will need to be met through this process.</td>
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<tr>
<td>Infrastructure</td>
<td>TDC will update their Infrastructure Delivery Plan to reflect the identified</td>
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improvements, in the first instance, to reflect the outcomes of the feasibility assessments.

6. Signatories/Declaration

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<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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<tr>
<th>Signed on behalf of West Sussex County Council (Officer, Head of Planning Services: Michael Elkington)</th>
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<td>Position: Head of Planning Services</td>
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Appendix A: Administrative Areas