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# Duty to Cooperate Statement of Compliance Update

## Elmbridge Local Plan



**August 2023**



**Elmbridge**  
Borough Council  
*... bridging the communities ...*





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## Executive Summary

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In order to address strategic issues relevant to their area, the Localism Act 2011<sup>1</sup> places a statutory duty (the 'duty to cooperate') on all local planning authorities and requires them to work constructively with neighbouring authorities and other prescribed bodies in preparing their development plan documents.

Strategic issues are policies and site allocations which address strategic priorities. For example, policies that set out the overall strategy for the pattern, scale and quality of development and make provision for development such as housing; employment; and retail. Strategic issues are also those that address the issues of infrastructure e.g., highways; community infrastructure; and conservation and enhancement of the natural, built, and historic environment.

A local planning authority must demonstrate how it has complied with the duty at the independent examination of its local plan and will need to satisfy the Planning Inspector that cooperation has been on-going and produced effective and deliverable policies on strategic cross boundary matters.

In June 2022, Elmbridge Borough Council (EBC) sought representations on its draft Local Plan. Published alongside the draft Local Plan was a series of evidence base and supporting documents. This included the Duty to Cooperate: Statement of Compliance (June 2022) which demonstrated how EBC had met the duty to co-operate in the Elmbridge Borough Local Plan 2022-2037 setting out engagement activities under the relevant Strategic Matters. It outlined the ways in which the council had engaged effectively with representatives of other duty to cooperate bodies that are prescribed in the relevant legislation, as well as the ways in which the outcomes of the cooperation had informed the direction of the policies in the draft Local Plan.

The Statement of Compliance (June 2022) recorded activities undertaken as part of the preparation of the new Elmbridge Local Plan up until the Regulation 19 Stage (June 2022) and stated that prior to the submission of the draft Local Plan and other supporting documentation, a Supplementary Statement would be prepared that set out activities undertaken between June 2022 and the submission of the draft Local Plan. It also stated that the Supplementary Statement would include updates on any new issues arising and issues resolved and include the Statements of Common Ground (SoCG) that has been prepared with neighbouring authorities and other duty to cooperate partners.

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<sup>1</sup> Localism Act 2011, Part 6 Chapter 1 Section 110 – duty to cooperate in relation to planning of sustainable development - <http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

The purpose of this Statement (Duty to Cooperate: Statement of Compliance Update, August 2023) therefore, is to set out how EBC has discharged its duty in relation to the preparation of Elmbridge Local Plan between June 2022 and August 2023.



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# 1. Introduction

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## The Duty to Cooperate Statement of Compliance Update

- 1.1 In June 2022, Elmbridge Borough Council (EBC) published its Duty to Cooperate Statement of Compliance document. The document set out how the Council had sought to discharge its legal duty ('the duty to cooperate') as part of the preparation of its draft Local Plan running up to the Regulation 19 Stage (starting 17 June 2023).
- 1.2 Within the Statement of Compliance (June 2022) document it was stated that prior to the submission of the draft Local Plan for the Examination in Public (EiP) stage, the Council would prepare a Supplementary Statement outlining its continued engagement with other authorities, bodies, and organisations (referred to as 'Strategic Partners') covered by the Duty to Cooperate on cross-boundary strategic planning matters. It also stated that prior to submission, the Council would enter into a number of Statements of Common Ground (SoCG) with its Strategic Partners which were to be appended to the Supplementary Statement.
- 1.3 This document, 'the Duty to Cooperate Statement of Compliance Update' (August 2023) fulfills these commitments. It provides an update on activities undertaken in the lead-up to the Council seeking representations on its draft Local Plan until submission (August 2023). Prepared for the benefit of the Planning Inspector and other interested parties, this document includes:
- a summary of representations from Strategic Partners with whom the Council has a SoCG, to the Regulation 19 draft Local Plan insofar as EBC's compliance with the duty.
  - a summary of the representations from Strategic Partners to the Regulation 19 draft Local Plan insofar as cross-boundary Strategic Matters.
  - a record of other Duty to Cooperate activities undertaken during this period.
  - the outcomes of these additional activities.
  - on-going co-operation.
- 1.4 For ease of updating and submitting to the Planning Inspector for the EiP, the Council has not appended to this Supplementary Statement any SoCG. Rather, these have been uploaded as separate documents to the Council's [examination website](#). For reference, Figure 1 sets out that status of the SoCG at the point of submission of the draft Local Plan.

<b>Strategic Partner</b>	<b>Status of SoCG*</b>	<b>Date of last signature</b>
Epsom & Ewell Borough Council	Final	08.08.2023
Mole Valley District Council	Final	18.07.2023
Royal Borough of Kingston upon Thames	Final	09.08.2023
London Borough of Richmond upon Thames	Final	27.07.2023
Spelthorne Borough Council	Final	28.07.2023
Runnymede Borough Council	Draft	
Woking Borough Council	Final	02.08.2023
Guildford Borough Council	Final	18.07.2023
Surrey County Council	Final	03.08.2023
Transport for London	Final	18.07.2023
Natural England	Draft	
National Highways	Final	27.07.2023
Environment Agency	Draft	
Historic England	Final	18.07.2023
<b>Surrey Heartlands Heath and Care Partnership Integrated Care Board (ICB)</b>	Final	08.08.2023

\* Those SoCG in draft are awaiting a final review / signature. These will be submitted in due course.

**Figure 1: Status of SoCGs with Strategic Partners at the time of submission of the draft Local Plan for Examination**



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## 2. Regulation 19 – Duty to Cooperate

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### Regulation 19 – Draft Local Plan

- 2.1 EBC sought representations on its draft Local Plan between 17 June and 29 July 2022. Full details of how representations were sought, the numbers received and, the main issues raised are set out in the Council’s Regulation 22: Statement of Consultation (2022). Each representation received has been submitted to the Planning Inspector as part of the EiP stage.
- 2.2 For the purpose of this Supplementary Statement, this section provides a summary of representations received from our Strategic Partners with whom the Council has a SoCG with, insofar as the duty to cooperate. The key headline being that **none raised an objection to the draft Local Plan on the basis of the duty to cooperate.**
- 2.3 In responding to the draft Local Plan, the following Strategic Partners with whom the Council has a SoCG with, submitted a representation through either the completion of the representation document and questionnaire, letter, or email within the six-week representation period.
- Environment Agency
  - Guildford Borough Council
  - Historic England
  - London Borough of Richmond upon Thames
  - Mole Valley District Council
  - National Highways
  - Natural England
  - Runnymede Borough Council
  - Spelthorne Borough Council
  - Surrey County Council
  - Surrey Heartlands Heath and Care Partnership Integrated Care Board (ICB)
  - Transport for London
- 2.4 The Council did not receive a representation from the following Strategic Partners with whom the Council has a SoCG with, inside the six-week representation period, however, a response was received afterwards.
- Epsom & Ewell Borough Council
  - London Borough of Kingston upon Thames

2.5 Woking Borough Council did not respond to Council's Regulation 19 Stage, nor did they respond afterwards. Nevertheless, the Council have a SoCG which reflects our continued discussions.

2.6 Insofar as the duty to cooperate and on-going discussions, the Council received the following representations (extracts) from those Strategic Partners with whom the Council has a SoCG with.

**London Borough of Richmond upon Thames:**

"We have through the Duty to Co-operate had the opportunity for discussion as part of the process of the preparation of our respective Local Plans".

**Mole Valley District Council:**

"MVDC considers that EBC has met the duty to cooperate requirements. The extensive ongoing cooperation and dialogue between the two authorities is documented in the Statement of Common Ground – signed by the two authorities on 10 August 2021, contained within Mole Valley's Reg. 19 [Statement of Cooperation – August 2021](#), and our Post Publication [Statement of Cooperation Update – February 2022](#) (see detailed record of on-going engagement between Mole Valley District Council (MVDC) and Elmbridge Borough Council (EBC))".

"We look forward to continuing the active and constructive engagement between MVDC and EBC on strategic cross-boundary matters".

**Runnymede Borough Council:**

"Runnymede Borough Council (RBC) and Elmbridge Borough Council (EBC) have identified a number of strategic cross boundary matters which it has been important to discuss under the Duty to Cooperate during the course of the preparation of the Elmbridge Local Plan. RBC is content that EBC has positively engaged with our Local Authority under the Duty to Cooperate. RBC therefore raises no objection under the Duty to Co-operate".

**Spelthorne Borough Council:**

"In responding to the Regulation 19 Local Plan, the Council has focused its response on the strategic policies of the Plan that will likely have cross-boundary implications for Spelthorne and have been the subject of our on-going collaboration under the Duty to Cooperate".

"As Spelthorne and Elmbridge are neighbouring authorities, the issue of meeting local housing need is a clear cross-boundary strategic matter. This topic has been discussed throughout the course of the preparation of both Spelthorne and Elmbridge's Local Plans".

"Spelthorne Borough Council will be in touch soon to discuss updating or redevelop the Statement of Common Ground held between the two authorities to reflect the current position".

**Royal Borough of Kingston upon Thames:**

“We acknowledge that this response has not been submitted within the defined period for consultation for Elmbridge’s Local Plan under Regulation 19. However, we hope that our comments together with the discussions that took place at our Duty to Cooperate meeting of 8 February 2023 can be noted and used to continue dialogue between the two planning authorities”.

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## 3. Regulation 19 – Representations & Activity on Strategic Matters

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### Strategic Matters

- 3.1 As part of its Local Plan preparation, the Council has identified 14 cross-boundary strategic issues ('Strategic Matters') that, in order to address and ensure our Local Plan policies are effective and deliverable, we need to cooperate with our Strategic Partners.
- 3.2 This section sets out for each of the Strategic Matters a summary of the responses received from our Strategic Partners in regard to that issue and also the activities that has taken place to address any outstanding points running up to the Regulation 19 Stage (starting 17 June 2022) until the submission of the draft Local Plan for EiP. Finally, for each Strategic Matter, is a summary of the outcome of the additional activities undertaken and any on-going cooperation activities at the time of submitting the draft Local Plan to the Planning Inspector. The majority of the on-going activities relate to 'business as usual' process and the implementation / delivery of the Local Plan post adoption including for example, the delivery of Supplementary Planning Documents (SPDs) and continued joint-monitoring.
- 3.3 For reference the Strategic Matters covered in the following section are:
- Strategic Matter 1: Housing (including Affordable Housing)
  - Strategic Matter 2: Roma, Gypsies, Travellers and Travelling Showpeople (Travellers) and Houseboats
  - Strategic Matter 3: Employment, Retail & Other Commercial Development
  - Strategic Matter 4: Transport
  - Strategic Matter 5: Flooding
  - Strategic Matter 6: Minerals, Waste & Other Utilities
  - Strategic Matter 7: Health
  - Strategic Matter 8: Education
  - Strategic Matter 9: Green & Blue Infrastructure
  - Strategic Matter 10: Green Belt & Landscape
  - Strategic Matter 11: Natural Environment including Thames Basin Heaths Special Protection Area (TBHSPA)

- Strategic Matter 12: Climate Change
- Strategic Matter 13: Historic Environment
- Strategic Matter 14: Heathrow

**Strategic Priority A) Housing (including affordable housing), employment and retail, leisure and other commercial development**

**Strategic Matter 1: Housing (including affordable housing)**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		Assessing and meeting housing need - Setting the scale, distribution and location of housing development across Elmbridge and neighbouring authorities
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Epsom &amp; Ewell Borough Council (EEBC)</li> <li>• Guildford Borough Council (GBC)</li> <li>• London Borough of Richmond upon Thames (LBR)</li> <li>• Mole Valley District Council (MVDC)</li> <li>• Royal Borough of Kingston upon Thames (RBK)</li> <li>• Runnymede Borough Council (RBC)</li> <li>• Spelthorne Borough Council (SBC)</li> <li>• Surrey County Council (SCC)</li> </ul> <p>Other local planning authorities in the wider South-East region</p> <ul style="list-style-type: none"> <li>• Horsham District Council (HDC)</li> <li>• Reigate &amp; Banstead Borough Council (RBBC)</li> <li>• Waverley Borough Council (WaBC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>The following concerns were raised in the Regulation 19 representations regarding EBC's spatial strategy approach to meeting its housing need.</p> <ul style="list-style-type: none"> <li>• EBC is unable to meet its housing need and its spatial strategy approach of brownfield/urban land only will result in a shortfall of housing.</li> <li>• that EBC has concluded that exceptional circumstances do not exist to justify amending the Green Belt even though Green Belt release scores well in the Sustainability Appraisal and other evidence base documents indicate some areas of Green Belt perform 'weakly'.</li> <li>• that unmet housing need is sufficient justification for determining that exceptional circumstances exist to amend the boundaries of the Green Belt.</li> </ul>

		<ul style="list-style-type: none"> <li>• no authority can assist EBC in meeting its unmet housing needs.</li> <li>• having unmet housing need increases the pressure on neighbouring authorities to accommodate any shortfall in their own plan preparation.</li> <li>• both SBC and RBC objected to the draft Local Plan stating that EBC’s housing strategy is unsound, justification is insufficient and that other options to meet housing needs in full have been not fully explored and discounted.</li> <li>• It was felt that EBC should reconsider its position on Green Belt release, considering the value and benefits of a small amount of Green Belt release against the potential harm.</li> </ul> <p>Other LPAs supported / noted EBC’s position on continuing to protect the Green Belt noting that most authorities with significant areas of Green Belt will find it challenging to meet housing need. It was stated that it will be for the Planning Inspector to determine if the spatial strategy is sound and that this will be tested at EiP.</p>
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**Activities:**

- EBC has reviewed the representation received in particular those raising concerns with / objecting to Elmbridge’s preferred development strategy. Taking into account the evidence base including for example, Green Belt studies and Topic Paper 1: How the Spatial Strategy was formed (2022), the council is satisfied with its preferred development strategy for the borough as set out in draft Policy SS2 – Sustainable place-making and SS3 – Scale and location of good growth.
- Between September and December 2022, the council entered into several discussions with SBC to discuss our respective responses to each authorities’ Regulation 19 Stage in more detail focusing on the matters of Housing and Green Belt. A meeting was held on 18 October 2022 and through further written correspondence between the two authorities including discussions over the advice received by SBC from their Planning Inspectorate Advisory visit, it was agreed by EBC & SBC to:

- To prepare a draft SoCG setting out the outstanding matters that are being discussed and update this as discussions progress.
- Respond to the points raised in each other's Regulation 19 representations.
- To set out and share the constraints to development with their respective Boroughs to help explore how each authority has arrived at its preferred spatial strategy.
- To explore the possibility of a joint PINS Advisory Meeting following EBC's Advisory visit.
- To continue discussions and keep each other and the Planning Inspectorate / Department for Levelling-Up, Housing and Communities (DLUHC) informed of our progress.

In addition, SBC prepared additional work to explore its constraints in more detail, particularly Green Belt performance. This includes those parcels of land discounted since the Preferred Options consultation. This work was undertaken to determine whether the spatial strategy is justified and the impacts of a higher growth scenario. This work was shared with EBC on 6 January 2023 as part of a topic paper on the Duty to Cooperate with Elmbridge BC.

EBC noted the additional work undertaken by SBC on testing a higher growth scenario in response to the Regulation 19 representations received including, that from EBC. The outcomes of the additional work as set out in SBC's Topic Paper 4 are acknowledged by EBC. SBC requested that EBC undertake a similar exercise to ensure that all options have been fully considered in order to boost supply as much as possible. EBC's position is that this exercise has already been undertaken in regard to the performance of Green Belt sites and does not require revisiting.

Following EBC's PINS Advisory Meeting on 23 November 2022, it was agreed by both authorities that a joint PINS Advisory Meeting was not required.

- Meetings with RBK on 8 February 2023 and WBC on 24 April 2023 to understand their positions on the draft Elmbridge Local Plan in the absence of a Regulation 19 representation. Strategic Matter of Housing discussed, with Elmbridge providing an overview of its evidence base and policy approach.
- In response to other local planning authorities' consultations (Regulation 18 and / or 19), the Council's has continued to request that Elmbridge's unmet



housing need is taken into consideration when determining their own spatial strategy.

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"><li>• Statements of Common Ground with all neighbouring authorities and Epsom &amp; Ewell, setting out our respective approaches to the Green Belt and positions on each other's' spatial strategies. In the case of RBC this is in draft.</li></ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"><li>1. The council will continue to co-operate with neighbouring boroughs and districts to explore opportunities for meeting Elmbridge's unmet housing need through their plan-preparation.</li><li>2. Finalise the Statement of Common Ground with RBC and submit in due course (awaiting signature).</li></ol>

**Strategic Priority A) Housing (including affordable housing), employment and retail, leisure and other commercial development**

**Strategic Matter 2: Roma, Gypsies, Travellers and Travelling Showpeople and Houseboat Dwellers**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		<b>Assessing and meeting the housing need of Roma, Gypsies, Travellers and Travelling Showpeople and Houseboat Dwellers</b> - Setting the scale, distribution and location of sites, yards and moorings for Elmbridge and neighbouring Local Authorities.
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Guildford Borough Council (GBC)</li> <li>• Mole Valley District Council (MVDC)</li> <li>• Reigate &amp; Banstead Borough Council (RBBC)</li> <li>• Royal Borough of Kingston upon Thames (RBK)</li> <li>• Environment Agency (EA)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>All LPAs that responded to this matter raised concerns that EBC was not able to meet the identified traveller accommodation needs and is not identifying a target nor allocating any pitches. Concern was raised that this would result in increased pressure on other LPAs to provide additional pitches. GBC also noted that EBC are not meeting the needs for the travellers who do not meet the Planning Policy for Traveller Sites definition.</p> <p>RRBC stated they were pleased that the need for types of accommodation for caravan sites, houseboats and mobile park homes has been considered by Opinion Research Services (ORS) in the Elmbridge Gypsy Traveller Accommodation Assessment.</p> <p>EA were supportive of draft Policy HOU7 – Gypsy, Roma, Traveller and Travelling Showpeople accommodation understanding from the draft Local Plan that EBC has concluded that there is no requirement to allocate pitches however, did raise one issue of inconsistency.</p>

**Activities:**

- EBC has reviewed the representation received from GBC. Taking into account its evidence base (Gypsy and Traveller Accommodation Assessment (2020) and Gypsy, Roma and Traveller Site Assessment Study (2022)), the Council is satisfied with its approach as set out in draft Policy HOU7 – Gypsy, Roma, Traveller and Travelling Showpeople Accommodation.
- Meetings with RBK on 8 February 2023 and WBC on 24 April 2023 to understand their positions on the draft Elmbridge Local Plan in the absence of a Regulation 19 representation. Strategic Matter of Travellers discussed with Elmbridge providing an overview of its evidence base and policy approach. Boatdwellers was also discussed with RBK.

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"><li>• Statements of Common Ground with GBC, RBK and WBC setting out the council's position on Travellers and Boatdwellers where relevant.</li></ul>
<b>On-going cooperation:</b>	<ul style="list-style-type: none"><li>• The council will continue to work with Surrey Authorities and the County Council to provide a transit site within Surrey and contribute towards the capital cost and ongoing management and maintenance costs of the site.</li><li>• The council will work with SCC in regard to the management and allocation of pitches on the public Traveller Site within the borough.</li></ul>

**Strategic Priority A) Housing (including affordable housing), employment and retail, leisure and other commercial development**

**Strategic Matter 3: Employment, retail and other commercial development**

Category		Details
<b>Strategic Planning Issue:</b>		<b>Delivering Economic Growth -</b> Planning for the jobs / floorspaces needed in Elmbridge and the wider area, allocating employment land and working cooperatively to drive economic growth and ensure that our strategy does not undermine those of neighbouring authorities.
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>Environment Agency (EA)</li> </ul>
	<b>Key issues identified from the representations</b>	Part of the EA's representation focused on employment floorspace and the Strategic Employment Land (SEL) site allocations in the draft Local plan. The EA said it is not clear how much employment floorspace the plan is aiming to deliver. The EA also raised concerns that environmental constraints, such as flood risk and biodiversity, will affect how much floorspace each employment site can deliver. The EA stated that they consider the plan to be unsound as it is not consistent with national policy nor justified by the evidence base.

**Activities:**

- EBC has reviewed the representation received from EA and met with them on the 9 March 2023, to discuss in detail. During the meeting, it was noted that several of the sites identified as being located within Flood Zone 3a or 3b, were previously developed land or whereby only a small area of the site was constrained. Nevertheless, it was agreed that a SFRA Level 2 be prepared in consultation with the EA with sequential and exception testing where relevant (see Strategic Matter 5: Flooding for further details).

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"> <li>• Additional flood modelling to be undertaken.</li> </ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"> <li>1. A preliminary Statement of Common Ground has been shared with the EA. This will be submitted in due course.</li> <li>2. Working with the EA and appointed consultants (AECOM) to ensure the completion and agreement of further flood risk assessments.</li> <li>3. The findings of the further flood risk assessment will be discussed with the EA as they emerge and an updated Statement of Common Ground / addendum addressing the outcomes of this work, will be published when agreed and finalised.</li> </ol>

**Strategic Priority B) Infrastructure for transport; telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)**

**Strategic Matter 4: Transport**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		<p>Whether the additional demand on the road network (both strategic and local), as a result of new development planned for within the borough and in our neighbouring authorities' areas, can be accommodated and / or mitigate.</p> <p>Enabling a modal shift towards more sustainable modes of travel (including walking and cycling).</p>
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Guildford Borough Council (GBC)</li> <li>• National Highways (NH)</li> <li>• Royal Borough of Kingston upon Thames (RBK)</li> <li>• Surrey County Council (SCC)</li> <li>• Transport for London (TfL)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>GBC felt that reference could be made to SCC's Elmbridge Cycling Plan, and/or forthcoming Local Cycling and Walking Infrastructure Plan (LCWIP). This inclusion would provide a focus for investment in walking and cycling infrastructure, with the network contained within the plan(s) a starting point for identifying routes and infrastructure to be funded and/or provided by developers.</p> <p>RBK noted that EBC's draft Local Plan Transport Assessment has identified increased traffic impact to the A3 / Hook junction within Kingston's boundary and that mitigation is required to improve traffic flow and capacity. It was noted that no solution had yet been identified, and that increased traffic here would result in a detrimental impact to air quality and public transport flows. It was stated that RBK shared the concerns of Transport for London (TfL), that any changes to the junction should not unduly impact the flow of bus services between Kingston / Surbiton and Chessington</p>

		<p>given this is a critical route through the borough for public transport accessibility.</p> <p>NH noted the on-going work being undertaken in consultation within themselves and SCC and emphasised that this further detailed modelling would be necessary to confirm the effectiveness of the mitigation identified in terms of capacity and congestion, and / or on highway safety.</p> <p>NH also noted that no allowance has been made in the traffic modelling for future residents or employees who might travel by public transport or active forms of travel and that no detailed assessment of bus and rail accessibility had been included within the assessment. NH suggests an approach to manage demand and funding will need to be secured as well as scheme delivery phasing and timing.</p> <p>TfL requested that EBC consider extending some of the Mayor’s strategic transport policy objectives set out in the Mayor’s Transport Strategy and London Plan to the borough including the promotion of Healthy Streets, rebalancing the transport system towards walking, cycling and public transport, improving air quality and reducing road danger.</p> <p>SCC noted that there is no reference to the Local Transport Plan 4 (LTP4), although draft Policy CC4 aligns well with LTP4 objectives. Suggested additional supporting text referencing both LTP4 and the LCWIP.</p>
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**Activities:**

- EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by GBC and SCC insofar as adding references to LTP4 and LCWIPs to Policy CC4 – Sustainable transport.
- EBC met with TfL on 18 October 2022, to discuss the potential mitigation on the A3 / Hook Road grade-separated junction. It was agreed that previous

objections / concerns expressed as to the impact of the development strategy for Elmbridge on the Transport for London Road Network, principally related to options relating to the release of large Green Belt sites (which do not feature in the draft Local Plan). Having run the Elmbridge traffic demand flows for the Hook junction through their Saturn traffic model, it was stated that do not consider that the development strategy for Elmbridge will have a significant impact on the Transport for London Road Network and, do not consider that mitigation at the junction is required. Whilst mindful that SCC is the Local Highways Authority for Elmbridge Borough, it is agreed that the draft Local Plan sets out a sound policy approach to seek to minimise the impact of growth proposed on the Transport for London Road Network and complements the Mayor's Transport Strategy and the London Plan.

- Additional modelling of the Junction of the A3 with A244 Copsem Lane (Esher Common Roundabout) - in respect of this junction, additional modelling was requested by both NH and SCC. This work was completed between June 2022 and April 2023, with traffic counts undertaken in June and October 2022 to inform traffic demand for the 2022 base-year.

Between December 2022 and January 2023, proposed modelling options were discussed with NH & SCC with a meeting held on 7 March 2023, to agree the methodology for the production of the 2037 forecast Local Plan VISSIM model. This would include the A3 / Copsem Lane grade-separate junction, the Milbourne Lane/ Copsem Lane traffic signal-controlled junction (situated to the north of the A3) and the Fair oak Lane/ Copsem Lane traffic signal-controlled junction (situated to the south of the A3). At the meeting WSP (the Council's Transport Consultants) was also asked to compare as part of the modelling process, the level in growth in TEMPro 8.0 against the TEMPro 7.2 growth used for the model and to send to NH the demand matrices used in the VISSIM model. These were shared on 26 March 2023.

On 26 April 2023, WSP circulated a Technical Note of the VISSIM Modelling of Copsem Lane, including a response to the comparison of the level in growth in TEMPro 8.0 against the TEMPro 7.2 growth used for the model. This was discussed in detail between the parties on 25 May 2023, where it was agreed that:

1. The VISSIM 2037 Do Minimum (DM) scenario already shows issues on the existing network with the level of background growth predicted even before adding the Local Plan trips to represent the Do Something scenario. The major constraint in the network are the signalised junctions on the A244 rather than the A3 roundabout.



2. The 2037 DM situation will be realised, irrespective of the emerging Elmbridge Local Plan, largely caused by traffic coming from neighbouring boroughs (such as Mole Valley) into Elmbridge and travelling through to areas such as Kingston.
3. Intervention on the A244 is limited due to the highway being narrow and the surrounding land being designated Commons.
4. However, as the modelling does not take account of any change in travel behaviour e.g., a shift to active forms of travel such as cycling and walking and also increased working from home, it is considered to be a worst-case scenario and that the level of growth in the VISSIM model (Do Something scenario) is unlikely to be seen.
5. There are also opportunities to minimise the impact of growth proposed on the SRN through proactive policies surrounding the location of future development and active travel as set out in the draft Local Plan.
6. In the case of the draft Elmbridge Local Plan, a 'plan-monitor-manage' approach is considered acceptable.

It was concluded that the VISSIM modelling suggests partial signalisation of the junction of the A3 and the A244 (Esher Common Roundabout) will not be needed within the plan period as previously assumed. Nevertheless, queuing on the two off-slips from the A3 to the junction of the A3 and the A244 (Esher Common Roundabout) will be monitored by NH and SCC and if necessary, the potential for signalisation of the off-slips will be discussed further between SCC and NH should a need be identified to prevent queuing back onto the A3. The need for signalisation will not be entirely attributable to Elmbridge's Local Plan and therefore this is not a matter of soundness for the Local Plan.

Following this further modelling, SCC has also agreed that the draft Local Plan sets out a sound policy approach to seek to minimise the impact of growth proposed on the LRN without the mitigation identified in the Transport Assessment. This applies to B374 Brooklands Road / B372 St George's Avenue Priority Junction; A317 Woburn Hill / A320 St Peter's Way / A318 Chertsey Road / Chertsey Road Roundabout; and B365 Ashley Road / Otlands Chase Priority Junction.

- The conclusions of TfL, NH and SCC have been shared with neighbouring authorities who have noted that it is not considered that mitigation is

required at junctions located their boroughs / districts as a result of the proposed growth strategy set out in the Elmbridge draft Local Plan.

- As part of their Regulation 19 representation period, a meeting with the London Borough of Richmond upon Thames took place. The Council raised concerns that a Transport Assessment has not been completed in support of the LBRT Publication Local Plan (Regulation 19) document which identifies whether there is any potential cross boundary or cumulative impacts on the road network outside of the London Borough. EBC understands that a Topic Paper to address these concerns will be published and shared prior to the submission their Local Plan. EBC welcomes further engagement on this issue.

<p><b>Summary of outcomes of additional activities:</b></p>	<ul style="list-style-type: none"> <li>• Proposed modifications to the draft Local Plan to address the points raised by GBC &amp; SCC to be submitted for the Planning Inspectors' consideration.</li> <li>• Statements of Common Ground agreed with TfL, SCC and NH insofar as this strategic matter and within their roles as Highways Authorities / Integrated Transport Authorities.</li> <li>• Statements of Common Ground with Guildford, London Borough of Richmond upon Thames, Mole Valley, Royal Borough of Kingston upon Thames and Woking with reference to this strategic matter addressing concerns raised on the neighbouring road network.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. Queuing on the two off-slips from the A3 to the junction of the A3 and the A244 (Esher Common Roundabout) will be monitored by NH and SCC and if necessary, the potential for signalisation of the off-slips will be discussed further between SCC and NH should a need be identified to prevent queuing back onto the A3.</li> <li>2. Engage TfL as part of the Development Management process consulting them on large-scale planning applications (e.g., over 100 units) within the vicinity of the GLA boundary or on routes that connect to the Transport for London Road</li> </ol>

	<p>Network e.g. A3 and A309. In addition, SCC &amp; NH on relevant schemes within Elmbridge.</p> <ol style="list-style-type: none"><li>3. Working with Strategic Partners to identify infrastructure needs arising from new development to be placed on the council's Strategic Priority Programme List for Community Infrastructure Levy (CIL) funding and to regularly update the IDP as required.</li><li>4. Working with SCC to deliver LCWIPs schemes across the borough.</li><li>5. Working with SCC, Guildford &amp; Woking Borough Councils and other relevant Strategic Partners to ensure that the priorities and schemes (that are jointly relevant) to deliver the Woking Hub Sub-Area and M25 J10/A3 Wisley SA are progressed.</li><li>6. On-going discussions with London Borough of Richmond upon Thames concerning their Topic Paper on Transport.</li><li>7. The council will continue to work with its Strategic Partners on the preparation of wider strategies and plans.</li></ol>
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**Strategic Priority B) Infrastructure for transport; telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)**

**Strategic Matter 5: Flooding**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		Ensuring that development is located away from areas at the highest level of flood risk and does not increase the risk of flooding elsewhere
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Environment Agency (EA) / River Thames Scheme (RTS)</li> <li>• Surrey County Council (SCC)</li> <li>• Thames Water (TW)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>EA noted that with regards to the developed areas of Flood Zone 3b - Functional Floodplain, page 17 of the Level 1 Strategic Flood Risk Assessment (SFRA) states 'Where redevelopment is proposed in developed areas, schemes should not increase the vulnerability classification of the site. It was identified that this had not been reflected in draft Policy CC5. This has not been reflected in Policy CC5.</p> <p>The EA welcomed the inclusion of a river policy Chapter 8, INF6 - Rivers. However, noted the draft policy does not include a minimum distance that the buffer zone should be from the top of the bank. EA note the supporting wording (paragraph 8.34) has a good policy for buffer zones, but this is not reflected in the main policy box. To provide a more robust river policy the EA requested that wording on culverts and bank protection is included.</p> <p>In regard to the proposed allocations, the EA raised the need to ensure that site have been through the Sequential Test and the Exceptions Test applied in accordance with paragraphs 161 – 165 of the NPPF.</p> <p>In regard to the RTS, it was suggested that supporting text is added under draft Policy CC5 which outlines the council's support of the RTS and its recognition of the</p>

		<p>RTS as an important project providing flood resilience alongside biodiversity, public open space, and active travel improvements.</p> <p>TW suggested that the wording of the draft Policy CC5 Managing Flood Risk could be amended to ensure it is more effective in addressing flood risk from all forms of flooding including surface water flooding and sewer flooding. It was also stated that as a result of their subterranean nature, basement developments that are connected to the sewerage network can be at risk of sewer flooding from surcharge of the sewers should sewers become overloaded. As a result, additional text should be added to the draft policy in relation to basement flooding.</p> <p>In terms of surface water flood risk, SCC (Lead Local Flood Authority) recommended that policy wording is included to reduce the overall and local risk of flooding and manage water resources. SCC suggested wording changes for draft Policy CC5 – Flooding.</p>
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**Activities:**

- EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by the EA, SCC and TW insofar as:
  - Policy CC5 (Managing Flood Risk) – making clear that the policy seeks to reduce the overall risk from all forms of flooding / from all sources.
  - Policy CC5 – reflecting the findings of the Level 1 SFRA in regards to the developed areas of Flood Zone 3b - Functional Floodplain.
  - Policy CC5 – stating that all development proposals are required to demonstrate that land drainage will be adequate and that they will not result in an increase in surface water run-off.
  - Policy CC5 – stating that any basement development connected to the sewerage network shall be fitted with a positive pumped device to protect the basement from sewer flooding.
  - Policy CC5 / supporting text – including reference to the River Thames Scheme.

- Policy INF1 (Rivers) – including a minimum distance that the buffer zone should be from the top of the bank (in the policy rather than the supporting text).
  - Policy INF1 – including text on culverts / de-culverting of watercourses and protection of the river bank.
- Continued engagement with the EA via email and meetings to discuss their representation in detail and the council’s response. During the meeting on 9 March 2023, it was noted that several of the sites identified as being located within Flood Zone 3a or 3b, were previously developed land or whereby only a small area of the site was constrained. Nevertheless, it was agreed that a SFRA Level 2 be prepared in consultation with the EA with sequential and exception testing where relevant. As the updated Lower Thames Modelled Outlines (2022) remain as ‘final draft’ and could be subject to change, it has been agreed that the 2019 modelled outlines will be used in the SFRA Level 2. This work is on-going.
  - Attendance at the Flood Risk Partnership Board & Working Group; Lower Mole Flood Alleviation Scheme Advisory Group; and focused Borough & District Flood Meetings (Action & Priority Catchment Setting) Meetings alongside SCC as the Lead Local Flood Authority, the EA and TW where relevant.

<p><b>Summary of outcomes of additional activities:</b></p>	<ul style="list-style-type: none"> <li>• Proposed modifications to the draft Local Plan to address the points raised by the EA, SCC and TW to be submitted for the Planning Inspectors’ consideration.</li> <li>• Statements of Common Ground agreed with SCC insofar as this strategic matter.</li> <li>• Additional flood modelling to be undertaken.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. A preliminary Statement of Common Ground has been shared with the EA. This will be submitted in due course.</li> <li>2. Working with the EA and appointed consultants (AECOM) to ensure the completion and agreement of further flood risk assessments.</li> <li>3. The findings of the further flood risk assessment will be discussed with the EA as they emerge and an updated Statement of Common Ground /</li> </ol>

	<p>addendum addressing the outcomes of this work, will be published when agreed and finalised.</p> <ol style="list-style-type: none"><li data-bbox="608 327 1358 450">4. The council will continue to engage with the EA &amp; SCC as it prepares its Supplementary Planning Documents (SPDs) in support of the Local Plan.</li><li data-bbox="608 499 1286 573">5. Continued working with Strategic Partners to deliver the River Thames Scheme.</li></ol>
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**Strategic Priority B) Infrastructure for transport; telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)**

**Strategic Matter 6: Minerals, Waste & Other Utilities**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		Understand the capacity of our existing infrastructure network and to identify whether improvements are required to support our growth strategy or, if our growth strategy and ambitions including, where new development is located, are limited by the infrastructure network (or any existing waste / minerals designation) and / or other planned development in neighbouring areas
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• National Grid (NG)</li> <li>• Surrey County Council (SCC)</li> <li>• Thames Water Utilities (Ltd) (TWU)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>To ensure draft Policy INF1 is consistent with national policy, NG suggested additional wording setting out the comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites, should be taken.</p> <p>SCC noted that draft Policy ENV9 sets out that development should be consistent with the National Design Guide and that the forthcoming Elmbridge Design Code will be based on this. SCC assumed that this design guidance will ensure that all new properties, including flats, have suitable storage space for a full range of recyclable collections.</p> <p>As the Minerals and Waste Planning Authority, SCC were pleased to see draft Policy CC2 'Minimising waste and promoting a circular economy' as it accords with objectives set out in the Surrey Waste Local Plan. The requirement for a Health Impact Assessment was also welcomed.</p>



		Thames Water supported the aims of draft Policy INF1. It was stated that engagement with infrastructure providers should be encouraged for all development and not just for development on allocated sites.
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<p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>• EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by TW insofar as the supporting text to Policy INF1 – Infrastructure delivery stating that where necessary conditions of S106 agreements will be used to secure and co-ordinate development and infrastructure delivery and that engagement with infrastructure providers at the earliest opportunity is strongly encouraged.</li> <li>• Engaged with Infrastructure Providers as part of the update to the Infrastructure Delivery Plan (IDP) (2023) to reflect their latest forecasts and current and known utilities provision.</li> </ul>
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<p><b>Summary of outcomes of additional activities:</b></p>	<ul style="list-style-type: none"> <li>• Proposed modifications to the draft Local Plan to address the points raised by TW to be submitted for the Planning Inspectors’ consideration.</li> <li>• Statements of Common Ground agreed with SCC insofar as this strategic matter.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. The council will continue to provide housing data feeding into modelling of the need for utilities provision and likely areas of surplus / deficit. This will be used to update the Council’s IDP.</li> <li>2. Working with Strategic Partners to identify infrastructure needs arising from new development to be placed on the council’s Strategic Priority Programme List for Community Infrastructure Levy (CIL) funding and to regularly update the IDP as required.</li> </ol>

**Strategic Priority C) Community facilities (such as health, education and cultural infrastructure)**

**Strategic Matter 7: Health**

Category		Details
<b>Strategic Planning Issue:</b>		<b>Understand the capacity of our existing health facilities and to identify whether improvements are required to support our growth strategy individually or in combination of that of our neighbouring authorities.</b>
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Surrey Heartlands Health and Care Partnership Integrated Care Board (ICB)</li> <li>• Surrey County Council (SCC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>NHS Heartlands and Epsom and St Helier Trust supported the Council's approach in draft Policy INF1 which sets out that new developments must contribute towards the provision of infrastructure and services, including health.</p> <p>NHS Heartlands suggested that policies and processes explicitly identify and provide assurances that the funding of health care infrastructure through developer contributions will be provided and that updated to the Infrastructure Delivery Plan (IDP) and Community Infrastructure Levy (CIL) spending programme must support funding allocations towards health care infrastructure in order to ensure the Council meets the objectives of Principle 5 and the draft Local Plan as a whole.</p> <p>NHS Surrey Heartlands and Epsom and St Helier Trust recommend that draft Policy INF2 (3) should set out exceptions and offer positive support for infrastructure providers through flexibility or a streamlined process to facilitate repurposing and reinvestment of capital towards modern and fit-for purpose infrastructure facilities. It was stated that the loss of existing social and community infrastructure (including health) that forms part of a wider estate plan that will support health should not be subject to any restrictions.</p>

**Activities:**

- Engaged with the ICB and SCC as part of the update to the Infrastructure Delivery Plan (IDP) (2023) to reflect their latest forecasts and current and known future health provision.
- Continued to provide housing data for the SidM System to allow the ICB to model the need for increased health provision.
- Attended meetings of the Surrey Health and Planning Forum – sharing best practice and guidance on policy development and using Health Impact Assessments as part of the planning process.
- Providing data to SCC to assist in the completion of the Pharmaceutical Needs Assessment on behalf of the Health and Wellbeing Board for Surrey.
- Engaged with SCC & ICB on WeyBetter Weybridge looking at options for the Weybridge Health Centre.

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"><li>• Statements of Common Ground agreed with SCC &amp; ICB insofar as this strategic matter.</li></ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"><li>1. The council will continue to provide housing data feeding into modelling of the need for health provision and likely areas of surplus / deficit. This will be used to update the Council's IDP.</li><li>2. Working with Strategic Partners to identify infrastructure needs arising from new development to be placed on the council's Strategic Priority Programme List for Community Infrastructure Levy (CIL) funding and to regularly update the IDP as required.</li><li>3. Engage with SCC &amp; ICB on WeyBetter Weybridge looking at options for the Weybridge Health Centre.</li><li>4. Attend meetings of the Surrey Health and Planning Forum.</li></ol>

**Strategic Priority C) Community facilities (such as health, education and cultural infrastructure)**

**Strategic Matter 8: Education**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		Understand the capacity of our existing education facilities and to identify whether improvements are required to support our growth strategy individually or in combination of that of our neighbouring authorities
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Surrey County Council (SCC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>SCC provided detailed comments in their Regulation 19 representation on:</p> <ul style="list-style-type: none"> <li>• Brooklands College and it's important role in the provision of higher and further education and ensuring its future sustainability</li> <li>• Potential for expanding SEND places at Brooklands College.</li> <li>• The increasing demand for secondary places</li> <li>• Long term sufficiency gap for additional specialist schools' places</li> <li>• Potential opportunity to secure investment in the specialist education estate through the next wave of the Department for Education (DfE) Special Free School programme.</li> </ul>

**Activities:**

- Engaged SCC as part of the update to the Infrastructure Delivery Plan (IDP) (2023) to reflect their latest forecasts and current and known future education provision.
- Continued to provide housing data on a bi-annual basis, feeding into the County's modelling of the need for education places and likely areas of surplus / deficit.

- Engaged with Brooklands College in advance of their planning application submitted May 2023 (2023/1359).

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"> <li>• Statements of Common Ground agreed with SCC insofar as this strategic matter.</li> </ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"> <li>1. The council will continue to provide housing data on a bi-annual basis, feeding into the County's modelling of the need for education places and likely areas of surplus / deficit. This will be used to update the County Council's Organisation Plan and the borough council's IDP.</li> <li>2. Working with Strategic Partners to identify infrastructure needs arising from new development to be placed on the council's Strategic Priority Programme List for Community Infrastructure Levy (CIL) funding and to regularly update the IDP as required.</li> <li>3. Work with SCC in the delivery of their SEND programme, considering / commenting on potential sites and exploring options for CIL funding.</li> </ol>

**Strategic Priority D) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaptation**

**Strategic Matter 9: Green & Blue Infrastructure**

Category		Details
<b>Strategic Planning Issue:</b>		<b>To protect and enhance our established network of green and blue spaces that stretches across the borough and into neighbouring authority areas in order to improve biodiversity, connectivity, and access.</b>
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Environmental Agency (EA) / River Thames Scheme (RTS)</li> <li>• Surrey County Council (SCC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>The EA welcomed the plans' principle to protect and enhance the quality of the environment in Chapter 5 (ENV1) - Green and blue infrastructure however, suggested including a specified requirement to deliver additional green and blue infrastructure and that a Green and Blue Infrastructure Supplementary Planning Document (SPD) should be produced to support this policy. It was also stated that all existing green and blue infrastructure within the borough should be identified on the policies map. The EA also sought a clear definition of the importance of the connectivity of the ecological network, as well as the social and access connectivity considerations which are clear in the policy.</p> <p>The RTS were pleased to see that the value of green and blue infrastructure was recognised and is included as a separate policy. The RTS made a number of suggested wording changes to the supporting paragraphs of draft Policy ENV1 – Green &amp; Blue Infrastructure policy. In regard to draft Policy SS2, it was suggested that reference to enhancing biodiversity water dependent habitat would be beneficial.</p> <p>SCC stated that point 1 of draft policy ENV6 could include reference to the nature recovery networks to be proposed in the Local Nature Recovery Strategy</p>

		<p>(LRNS) for Surrey, which will be developed in 2022 and 2023. It was also stated that draft Policy ENV6 (point 6) would benefit from additional clarification and that terminology could be standardised to ensure that 'conservation, restoration and enhancement' of biodiversity is the consistent term.</p> <p>In supporting policy text, SCC stated that further details could be added about the Surrey context. For example, with reference to the Surrey Nature Partnership's State of Nature report.</p>
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**Activities:**

- EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by SCC insofar as the Local Nature Recovery Strategy (LRNS) for Surrey; standardising the terminology used in draft Policy ENV6 – Protecting, enhancing, and recovering biodiversity; and including reference to the State of Surrey's Nature Report.
- EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by RTS insofar as some of the wording changes to the supporting paragraphs of draft Policy ENV1 – Green & Blue Infrastructure.
- Undertook further evidence base work on Biodiversity Net Gain (BNG) (BNG Viability Commentary Note and Support Note) to justify the proposed modification to the draft Local Plan to increase the minimum gain from 10% to 20%.
- Engagement with SCC commenced to assist in the preparation of the LRNS for Surrey including the procurement of specialist advice to assess SCC and EBC owned land within Elmbridge Borough to provide opportunities for BNG off-setting.

**Summary of outcomes of additional activities:**

- Proposed modifications to the draft Local Plan to address the points raised by SCC & RTS to be submitted for the Planning Inspectors' consideration.

	<ul style="list-style-type: none"> <li>• Statements of Common Ground agreed with SCC insofar as this strategic matter.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. A preliminary Statement of Common Ground has been shared with the EA. This will be submitted in due course.</li> <li>2. The council will continue to engage with SCC &amp; EA as prepares its Supplementary Planning Documents (SPDs) in support of the Local Plan.</li> <li>3. Continued engagement with SCC to assist in the preparation of the LRNS for Surrey including the identification of SCC and EBC owned land within Elmbridge Borough to provide opportunities for BNG off-setting.</li> <li>4. Continued working with Strategic Partners to deliver the River Thames Scheme including the delivery of Desborough Island as a biodiversity habitat.</li> </ol>



**Strategic Priority D) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaptation**

**Strategic Matter 10: Green Belt & Landscape**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		<b>Protecting the integrity of the Metropolitan Green Belt and the borough’s natural landscape</b> – the Local Plan seeks to protect the Green Belt and its natural landscape from within Elmbridge from inappropriate development that would undermine its integrity and purpose. The council must also however, explore all opportunities for meeting its development needs and consider whether there are the exceptional circumstances for amending the Green Belt boundary.
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Epsom and Ewell Borough Council (EEBC)</li> <li>• Guildford Borough Council (GBC)</li> <li>• London Borough of Richmond upon Thames (LBR)</li> <li>• Mole Valley District Council (MVDC)</li> <li>• Royal Borough of Kingston upon Thames (RBK)</li> <li>• Runnymede Borough Council (RBC)</li> <li>• Spelthorne Borough Council (SBC)</li> </ul> <p>Other local planning authorities in the wider South-East region</p> <ul style="list-style-type: none"> <li>• Horsham District Council (HDC)</li> <li>• Reigate &amp; Banstead Borough Council (RBBC)</li> </ul>
	<b>Key issues identified from the representations</b>	RBBC understand that EBC are constrained for development within the borough and that the council has chosen not to release Green Belt to accommodate development. It is noted that the evidence gathered in the Green Belt Boundary Review (2016 & 2018) and supplementary reports, states that this is due to the lack of strategic exceptional circumstances to release land from the Green Belt. RBBC considers this to be in line with the NPPF 2021 (para 140) which states that: “Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”

		<p>RBK supports the protection of London's Green Belt and Metropolitan Open Land (MOL) and welcome Elmbridge's commitment to continue protecting its Green Belt land from inappropriate development in the draft Local Plan.</p> <p>GBC, HDC and LBR all 'note' the council's position that exceptional circumstances have not been justified and the council's decision not to release land from the Green Belt in order to meet development need.</p> <p>GBC &amp; HDC raise that unmet need and affordability can form part of the exceptional circumstances test. It is considered by HDC that the council may struggle to sustain an argument that there are no exceptional circumstances that would permit the Green Belt to be altered. Both GBC &amp; HDC highlighted that a thorough and robust approach will be necessary in demonstrating that EBC's housing needs cannot be met in full and that this will be tested by the Planning Inspector.</p> <p>MVDC recognises that the Elmbridge strategy looked at a reasonable alternative of Green Belt release, but it fared poorly through Sustainability Appraisal, mainly due to the Green Belt land availability. MVDC also notes that Elmbridge has tested Green Belt sites through a strategic housing land availability assessment and then emerging sites through an exceptional circumstances test. Whilst MVDC finds it somewhat surprising that there is no parcel of land within Elmbridge's Green Belt that can be released for an element of new housing, MVDC do appreciate the sustainability issues of those sites. MVDC also expect Elmbridge's conclusion in respect of Green Belt release will be investigated thoroughly through the examination process.</p> <p>EEBC state that wider unmet needs should be appropriately considered in determining whether exceptional circumstances apply to justify altering Green Belt boundaries to meet the boroughs housing needs (whilst protecting the character of its existing communities).</p>
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		<p>EEBC are concerned that the unmet need in Elmbridge will further exacerbate the cross authority unmet housing need and place pressure on other authorities. This concern is also shared by GBC, RBC and SBC.</p> <p>Both RBC and SBC object the Elmbridge's development strategy and position on exceptional circumstances / the Green Belt.</p> <p>The two authorities consider that the Local Plan strategy does not fully utilise the findings of the Green Belt Boundary Review 2016 and Green Belt Boundary Review- Sub-Division Work 2018 which identify a number of weakly performing local areas and sub areas for further consideration. It is stated that these are independent studies that utilise objective approaches, also using a methodology broadly agreed by many local authorities in the wider region.</p> <p>It is also noted by both authorities that the council previously considered options for releasing the Green Belt and in 2016 produced an Exceptional Circumstances case setting out considerations which could amount to the justification of Green Belt release.</p> <p>RBC &amp; SBC are of the opinion that, given the circumstances relating to the Green Belt evidence base; affordability levels within Elmbridge Borough, and the potential unmet need across the wider area, a spatial strategy proposing the release of Green Belt land in Elmbridge to meet identified needs is justified.</p>
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**Activities:**

- EBC has reviewed the representations received, in particular those raising concerns with / objecting to Elmbridge's preferred development strategy. Taking into account the evidence base including, for example, Green Belt studies and Topic Paper 1: How the Spatial Strategy was formed (2022), the council is satisfied with its approach to the Green Belt / unmet housing need and, the consideration of exceptional circumstances. The council is satisfied with its preferred development strategy for the borough as set out

in draft Policy SS2 – Sustainable place-making and SS3 – Scale and location of good growth.

- Between September and December 2022, the council entered into several discussions with SBC to discuss our respective responses to each authorities' Regulation 19 Stage in more detail focusing on the matters of Housing and Green Belt. A meeting was held on 18 October 2022 and through further written correspondence between the two authorities including discussions over the advice received by SBC from their Planning Inspectorate Advisory visit, it was agreed by EBC & SBC to:
  - To prepare a draft SoCG setting out the outstanding matters that are being discussed and update this as discussions progress.
  - Respond to the points raised in each other's Regulation 19 representations.
  - To set out and share the constraints to development in their respective Boroughs to help explore how each authority has arrived at its preferred spatial strategy.
  - To explore the possibility of a joint PINS Advisory Meeting following EBC's Advisory visit.
  - To continue discussions and keep each other and the Planning Inspectorate / Department for Levelling-Up, Housing and Communities (DLUHC) informed of our progress.

In addition, SBC prepared additional work to explore its constraints in more detail, particularly Green Belt performance. This includes those parcels of land discounted since the Preferred Options consultation. This work was undertaken to determine whether the spatial strategy is justified and the impacts of a higher growth scenario. This work was shared with EBC on 6 January 2023 as part of a topic paper on the Duty to Cooperate with Elmbridge BC.

EBC noted the additional work undertaken by SBC on testing a higher growth scenario in response to the Regulation 19 representations received including, that from EBC. The outcomes of the additional work as set out in SBC's Topic Paper 4 are acknowledged by EBC. SBC requested that EBC undertake a similar exercise to ensure that all options have been fully considered in order to boost supply as much as possible. EBC's position is that this exercise has already been undertaken in regard to the performance of Green Belt sites and does not require revisiting.

Following EBC's PINS Advisory Meeting on 23 November 2022, it was agreed by both authorities that a joint PINS Advisory Meeting was not required.

- Meetings with RBK on 8 February 2023 and WBC on 24 April 2023 to understand their positions on the draft Elmbridge Local Plan in the absence of a Regulation 19 representation. Strategic Matter of Green Belt discussed with Elmbridge providing an overview of its evidence base and policy approach.
- In response to other local planning authorities' consultations (Regulation 18 and / or 19), the Council's has continued to request that Elmbridge's unmet housing need is taken into consideration when determining their own spatial strategy.

<p><b>Summary of outcomes of additional activities:</b></p>	<ul style="list-style-type: none"> <li>• Statements of Common Ground with all neighbouring authorities and Epsom &amp; Ewell, setting out our respective approaches to the Green Belt and positions on each other's' spatial strategies. In the case of RBC this is in draft.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. The council will continue to co-operate with neighbouring boroughs and districts to ensure that integrity of the wider- Metropolitan Green Belt is maintained as well as the importance of our shared natural landscape.</li> <li>2. Finalise the Statement of Common Ground with RBC and submit in due course (awaiting signature).</li> </ol>

**Strategic Priority D) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaption**

**Strategic Matter 11: Natural Environment including the Thames Basin Heaths Special Protection Area (SPA)**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		Ensuring that the council's growth strategy can be accommodated without undermining the integrity of the Thames Basin Heaths SPA, including through the identification and provision of appropriate mitigation.
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Environment Agency (EA)</li> <li>• Natural England (NE)</li> <li>• Surrey County Council (SCC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>The EA welcomed the inclusion of draft Policy ENV6 and paragraph 4a. In order to future proof the policy, additional text was recommended.</p> <p>NE were pleased to see the inclusion of draft Policy ENV5 (Thames Basin Heaths Special Protection Area) as part of Chapter 5 - Principle 2 - Protecting and enhancing our environment. It was noted that there is insufficient capacity remaining on the Council's two existing Suitable Alternative Natural Greenspaces (SANG) to mitigate the amount of residential development expected to come forward during the plan period. NE stated that they do not need to see mitigation fully secured but that sufficient SANG options are available that justify allocating these sites in this plan and show that they are deliverable in line with the NPPF. As it stands Natural England feels this document fails the tests of soundness within the NPPF.</p> <p>SCC stated that point 1 of draft policy ENV6 could include reference to the nature recovery networks to be proposed in the Local Nature Recovery Strategy (LRNS) for Surrey, which will be developed in 2022 and 2023. It was also stated that draft Policy ENV6 (point 6) would benefit from additional clarification and that</p>

		<p>terminology could be standardised to ensure that 'conservation, restoration and enhancement' of biodiversity is the consistent term.</p> <p>In supporting policy text, SCC stated that further details could be added about the Surrey context. For example, with reference to the Surrey Nature Partnership's State of Nature report.</p>
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**Activities:**

- EBC has reviewed the representations received and proposed modifications to the draft Local Plan to address the points raised by SCC insofar as the Local Nature Recovery Strategy (LRNS) for Surrey; standardising the terminology used in draft Policy ENV6 – Protecting, enhancing, and recovering biodiversity; and including reference to the State of Surrey's Nature Report.
- EBC has reviewed the representations received and following additional discussions with NE, proposed modifications to the draft Local Plan to add clarification to the Council's position on the Thames Basin Heaths Special Protection Area & SANG provision.
- Undertook further evidence base work on Biodiversity Net Gain (BNG) (BNG Viability Commentary Note and Support Note) to justify the proposed modification to the draft Local Plan to increase the minimum gain from 10% to 20%.
- Engagement with SCC commenced to assist in the preparation of the LRNS for Surrey including the procurement of specialist advice to assess SCC and EBC owned land within Elmbridge Borough to provide opportunities for BNG off-setting.
- Entered into partnership with NatureSpace to deliver the District Level Licensing (DLL) Scheme for Elmbridge.
- Meetings and site visits with Nature England to consider options for a new strategic SANG site.

- Evidence base relating to SANG updated (SANG Options Assessment, Avoidance & Mitigation Strategy and Habitats Regulation Assessment (HRA)).
- New strategic SANG identified and agreed in principle with NE.

<p><b>Summary of outcomes of additional activities:</b></p>	<ul style="list-style-type: none"> <li>• Proposed modifications to the draft Local Plan to address the points raised by SCC &amp; NE to be submitted for the Planning Inspectors' consideration.</li> <li>• Sufficient SANG capacity identified and agreed in principle with NE.</li> <li>• Statements of Common Ground agreed with SCC insofar as this strategic matter.</li> </ul>
<p><b>On-going cooperation:</b></p>	<ol style="list-style-type: none"> <li>1. A preliminary Statement of Common Ground has been shared with the EA. This will be submitted in due course.</li> <li>2. A draft Statement of Common Ground has been shared with NE. This will be submitted in due course.</li> <li>3. The council will continue to engage with SCC, EA &amp; NE as it prepares its Supplementary Planning Documents (SPDs) in support of the Local Plan.</li> <li>4. Continued engagement with SCC to assist in the preparation of the LRNS for Surrey including the identification of SCC and EBC owned land within Elmbridge Borough to provide opportunities for BNG off-setting.</li> <li>5. Continued working with NE &amp; landowner to bring forward the new strategic SANG site.</li> <li>6. Continued monitoring of SANG capacity through the development management process alongside the collection of SAMM.</li> <li>7. Continued joint working ensuring the sharing of best practice through membership of the Joint Strategic Partnership Board (JSPB).</li> </ol>



	8. Continued working with Strategic Partners to deliver the River Thames Scheme including the delivery of Desborough Island as a biodiversity habitat.
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**Strategic Priority D) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaption**

**Strategic Matter 12: Climate Change**

<b>Category</b>		<b>Details</b>
<b>Strategic Planning Issue:</b>		<b>Supporting the transition to a low carbon future and taking a proactive approach to mitigating and adapting to climate change.</b>
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Environment Agency (EA) River Thames Scheme (RTS)</li> <li>• Surrey County Council (SCC)</li> <li>• Thames Water (TW)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>The EA welcomed the inclusion of the draft policies in Chapter 3 (SS1, SS2 and SS3) and the Council’s commitment to respond to Climate Change.</p> <p>The EA were pleased to see that EBC had recognised the water stressed nature of the area and welcomed Chapter 4 (CC3) - Sustainable design standards and the inclusion of 1.c) that requires all residential development to meet a minimum internal water efficiency standard of 110 litres per person per day. The EA highlighted that the policy for water efficiency should be future-proofed to ensure that any reductions in the water efficiency target are reflected in the policy going forward.</p> <p>RTS supports draft policy SS1, particularly part 2. They agree with the statement in paragraph 3.9 but suggest the additional wording to cover flood risk mitigation and climate resilience be added to this paragraph to support earlier sections and paragraphs of the plan. RTS welcomed the stance in reducing carbon dioxide emissions and supporting the transition to a low/zero carbon future as stated in paragraph 4.5. RTS would like to see more support and encourage developments to be net zero carbon. It was also stated that the</p>

		<p>Policies Map needed to be updated with the indicative RTS boundary and paragraph(s) added before paragraph 3.28 to concentrate on the environment and climate change.</p> <p>SCC stated that it is disappointing that there is no policy requirement for zero carbon development, particularly for the largest schemes, alongside exploration of a carbon offset scheme. It was also noted that reference to the June 2022 update to part L of the Building Regulations had not been referenced. SCC also provided recommendations on matters to be covered in the Climate Change and Renewables SPD.</p> <p>TW stated that the requirement in part 5 of draft Policy CC1 – Energy Efficiency, renewable and low carbon energy for ensuring the highest standards of water efficiency in existing developments through retrofitting is supported although as the policy relates to energy it is not certain that the requirement will be effective.</p>
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**Activities:**

- EBC has reviewed the representations and proposed modifications to the draft Local Plan to address the points raised by:
  - the EA in regard to draft Policy CC3 and future-proofing the policy.
  - the RTA in regard to the supporting text to draft Policy SS1 (paragraph 3.9) and referring to flood risk mitigation and creating a more climate resilient environment.
  - the RTA in regard to amending the boundary of the scheme as identified on the Policies Map.

**Summary of outcomes of additional activities:**

- EBC has reviewed the representations and proposed modifications to the draft Local Plan to address the points raised by the EA & RTS.

	<ul style="list-style-type: none"> <li>• Statement of Common Ground agreed with SCC insofar as this strategic matter.</li> </ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"> <li>1. A preliminary Statement of Common Ground has been shared with the EA. This will be submitted in due course.</li> <li>2. The council will continue to engage with the EA &amp; SCC as it prepares its Supplementary Planning Documents (SPDs) in support of the Local Plan.</li> </ol>

**Strategic Priority D) Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaption**

**Strategic Matter 13: Historic Environment**

Category		Details
<b>Strategic Planning Issue:</b>		<b>Conservation and enhancement of the historic environment – Consideration of the impact of planned development on designated and non-designated heritage assets.</b>
<b>Regulation 19 Representation Stage</b>	<b>Responses received from strategic partners</b>	<ul style="list-style-type: none"> <li>• Historic England (HE)</li> <li>• Surrey County Council (SCC)</li> </ul>
	<b>Key issues identified from the representations</b>	<p>HE welcomed the inclusion of policies for the historic environment in the draft Local Plan that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment, in their view had been met. Regarding the allocation of sites, one comments was made in terms of its suitability given the buildings historic nature.</p> <p>SCC submitted detailed comments on draft Policy ENV10, the supporting paragraphs and the draft Policies Map. It was stated that draft Policy ENV10 lacked detail and did not reflect the different ways that heritage assets are managed within planning. SCC stated that the policy could provide further clarity on the approaches that the Council might adopt when considering development that affects heritage assets of different classes.</p> <p>Referring to the Heritage Impact Assessment that accompanies the draft Local Plan, SCC stated that this was comprehensive and were pleased to note that it</p>

		included County Sites of Archaeological Importance (CSAI).
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**Activities:**

- EBC has reviewed the representations and proposed modifications to the draft Local Plan (policy ENV10 – Heritage Assets) to address the points raised by SCC. The proposed modifications have been agreed by both SCC & HE.
- Local Heritage Asset List (also known as the ‘Local List’) was agreed by EBC on 5 July 2023. Site allocations within the draft Local Plan have been reviewed in light of this and an Update to the Heritage Impact Assessment produced.
- EBC continues to engage with Whiteley Village Trust on a Master Plan for the longer-term provision of specialist care facilities as set out in draft Local Plan Policy SS3 – Scale and location of good growth.

<b>Summary of outcomes of additional activities:</b>	<ul style="list-style-type: none"> <li>• Proposed modifications to the draft Local Plan to address the points raised by SCC to be submitted for the Planning Inspectors’ consideration.</li> <li>• Statements of Common Ground agreed with HE &amp; SCC insofar as this strategic matter.</li> </ul>
<b>On-going cooperation:</b>	<ol style="list-style-type: none"> <li>1. The council will continue to work with Whiteley Village Trust on a Master Plan for the longer-term provision of specialist care facilities; engaging with HE &amp; SCC where relevant.</li> <li>2. The council will continue to engage with HE &amp; SCC where relevant in the determination of planning applications.</li> </ol>

## Other Strategic Priorities

### Strategic Matter 14: Heathrow

Category		Details
Strategic Planning Issue:		<b>Understand and influence the potential impact of airport expansion – minimise the potential harmful impacts and maximise the potential benefits of expansion through collaborative working</b>
Regulation 19 Representation Stage	Responses received from strategic partners	There were no responses received from strategic partners referring to Strategic Matter 14: Heathrow.
	Key issues identified from the representations	N/A

#### Activities:

- Continued Membership of the Heathrow Strategic Planning Group (HSPG).
- Attendance at HSPG Meetings.
- Responded via joint HSPG or EBC responses to relevant consultations and requests for information from Heathrow.

#### Summary of outcomes of additional activities:

In the early stages of preparing the draft Local Plan, Heathrow Airport Limited (HAL) was looking at plans to expand the airport. Whilst the borough sits on the very edge of the sub-region potentially impacted by the expansion, HAL's plans may have affected Elmbridge Borough. As such, Heathrow was identified as a Strategic Matter.

Due to the COVID-19 pandemic, HAL's expansion plans have been delayed whilst they focus on the green recovery of the airport / industry. Currently, no land use implications for Elmbridge Borough have been identified in relation to Heathrow.

Therefore, the Council has not included a specific policy on Heathrow within the draft Local Plan. Nevertheless, within the plan, point 2 of Policy INF1 states that the Council will

	<p>engage proactively with partners and relevant authorities to support strategic infrastructure projects to deliver benefits to the borough's environment, residents and businesses and which assist to achieve the principles of the Plan.</p> <p>The Council has also sought to reflect the statements (vision) from the Joint Strategic Planning Framework and align this with its own vision and guiding principles.</p>
<b>On-going cooperation:</b>	Continued engagement via the HSPG.



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## 4. Conclusion

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- 4.1 This Supplementary Statement sets out how the council has continued to cooperate with prescribed bodies, neighbouring authorities, and other organisations relevant to the duty to cooperate in order to address outstanding issues relating to relevant Strategic Matter over the last year, (from commencement of the Regulation 19 representation period (June 2022) up until the submission of the Local Plan for examination in August 2023).
- 4.2 The Supplementary Statement demonstrates that the council has complied with the duty to cooperate requirements in Section 110 of the Localism Act, Section 33A of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF, 2021) when preparing the draft Local Plan. The Council considers the engagement on strategic cross-boundary issues has been constructive, active and undertaken on an ongoing basis.
- 4.3 The Council will continue to engage with its neighbouring authorities and other prescribed bodies on an ongoing basis in order to identify and address cross-boundary issues. This approach will help ensure that liaison with neighbouring authorities and other prescribed bodies remains fully embedded within the council's plan-making and implementation processes
- 4.4 Alongside this Supplementary Statement, the council has submitted several Statements of Common Ground which set out the relevant strategic matters, how these matters have been resolved and the positions of each party. Those Statements of Common Ground in draft at the time of submission, will be finalised and submitted in due course.