

STATEMENT OF COMMON GROUND

1. List of Parties involved:

- Elmbridge Borough Council (EBC)
- Royal Borough of Kingston upon Thames (RBK)

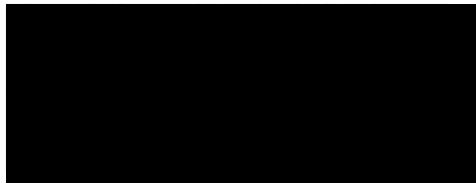
2. Signatories:



09.08.2023

Elmbridge Borough Council

Kim Tagliarini, Head of Planning & Environmental Health



18.07.2023

Royal Borough of Kingston upon Thames

Councillor Roger Hayes, Portfolio Holder for Planning Policy and Regulatory Services

3. Strategic Geography

The Statement of Common Ground (SOCG) is between the local authorities of Elmbridge Borough Council (EBC) and Royal Borough of Kingston upon Thames (RBK).

RBK lies to the east of EBC with the communities of Surbiton (located within RBK) and Long Ditton and Thames Ditton (located within Elmbridge) coalesced with, the communities of Hook & Chessington (located within RBK) and Claygate (located within Elmbridge) separated by only the A3 and a small swathe of land within the Metropolitan Green Belt. EBC sits within the administrative boundary of Surrey County Council whilst the wider strategic direction for RBK is provided by the Greater London Authority (GLA).

Both authorities are located within the same Housing Market Area (HMA): Kingston and North-East Surrey, alongside Epsom & Ewell Borough Council and Mole Valley District Council. There is considerable cross-migration, with a net in-migration into Elmbridge Borough. In terms

of planning, both authorities have areas designated as Green Belt and both have areas of common land and heritage assets which constrain development.

EBC is located in the Enterprise M3 Local Enterprise Partnership (LEP) whilst RBK falls within the Local Enterprise Partnership for London (LEAP).

Figure 1 identifies the strategic geography considered for cooperation on strategic matters as part of the preparation of their respective Local Plans.

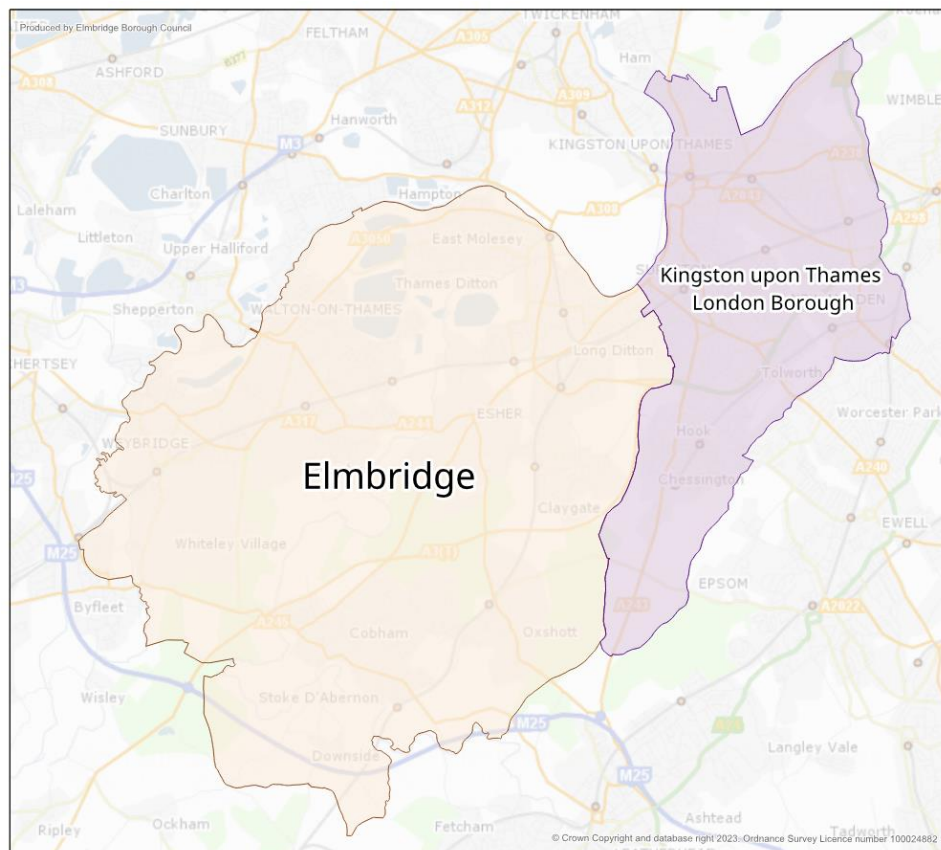


Figure 1: Elmbridge Borough Council and Royal Borough of Kingston upon Thames

4. Strategic Matters

Duty to Cooperate

EBC and RBK have engaged with one another to discuss duty to cooperate matters throughout the preparation of their respective Local Plans. This has included engagement and joint working on evidence base documents; through meetings; and at the Regulation 18 & 19 Stages where relevant to the progress of their Local Plans.

EBC's duty to cooperate activity up until its current Local Plan stage, are recorded in the following document:

- EBC's Duty to Cooperate Statement of Compliance (June 2022)

At present RBK has not adopted a DtC Statement but intends to do so by its Local Plan Regulation 19 stage.

Both authorities agree that the EBC Duty to Cooperate Statement of Compliance (June 2022) document is an accurate record of their engagement up until EBC's Regulation 19 consultation in June 2022.

Neither party has objected to each other's latest Local Plan stage for failing to comply with the duty. It is a duty that requires cooperation, not agreement, and the two authorities agree that they have cooperated in an ongoing and effective manner as set out in their respective Statements and associated updates, as well as this SoCG.

Local Plan Positions

Elmbridge

EBC invited representations on their draft Local Plan (Regulation 19) between 17 June and 29 July 2022. It is the Council's intention to submit its Draft Local Plan to the Secretary of State for Levelling-Up, Housing and Communities for independent examination in July 2023.

Royal Borough of Kingston upon Thames

RBK is in the process of preparing a new Local Plan for the borough.

RBK's first stage of engagement on their new Local Plan took place from 1 May to 31 July 2019. The consultation document set out a 'direction of travel' for the Local Plan and captured views on a range of planning matters to help develop its policy directions.

Further Engagement was carried out in the summer of 2021. The purpose of this consultation was to set out the changing framework for the Local Plan which included the publication of the London Plan and challenging housing target set for the borough; the COVID-10 pandemic and the way residents lives changed; the economic impact of Brexit; and the Government's changes in national planning policy.

The first draft of the Local Plan 2019-2041 Consultation (Regulation 18) began on 28 November 2022 and ran until 28 February 2023. RBK is in the process of reviewing the feedback and preparing a second draft – the Local Plan Publication Version. Consultation on this document is planned for later in 2023.

Key Strategic Matters:

RBK did not submit a representation to the EBC's draft Local Plan during the Regulation 19 representation period (June - July 2022). However, through their on-going discussions including at a meeting on 8 February 2023 and a Regulation 19 response dated 2 March 2023, EBC and RBK have identified the following as key strategic matters: housing, Gypsies and

Travellers, Boat Dwellers, Transport and Green Belt / Metropolitan Open Land (MOL). The position of each authority in regard to these matters, is set out as follows:

Housing Need

Elmbridge

The local housing need figure, as set by the Government's Standard Method, is 9,705 (647 dwellings per annum) over 15-years.

Elmbridge's proposed growth strategy focuses on delivering development and increasing capacity in its existing urban areas (a 'brown-field' approach). This includes the reallocation and diversification of employment land, encouraging mixed use development and ensuring the potential of sites is optimised.

This approach provides for 6,785 dwellings, 70% of the local housing need figure. This leaves a local unmet housing need of circ. 2,920 dwellings over its plan period. This includes an element of unmet affordable housing need.

Royal Borough of Kingston upon Thames

The London Plan 2021 identifies a 10-year minimum housing supply target of 9,640 homes within the borough over the period 2019/20 to 2028/29. This is equivalent to a minimum requirement of 964 homes per year.

RBK has identified sufficient sites to meet the London Plan's housing target of 9,640 homes between 2019/20 and 2028/29.

Draft Strategic Policy KH1: Meeting the Borough's Housing Needs sets out how this housing delivery will be achieved. The majority of the housing development within the borough will be provided in the following locations: The Kingston Town Centre area; the most sustainable and accessible locations, including the borough's district centres (New Malden, Surbiton and Tolworth), the areas around railway stations and areas with good public transport connections (PTAL 3-6); and site allocations that are suitable for a range of residential and mixed-use developments.

Green Belt / Metropolitan Open Land

Elmbridge

EBC has commissioned Arup to undertake two Green Belt Assessments. The first, Green Belt Boundary Review (GBBR) was published in 2016 and examined the performance of the Green Belt in and around Elmbridge against the Green Belt Purposes, as set out in the National Planning Policy Framework (NPPF). The analysis was undertaken at two scales: Strategic Areas and Local Areas.

The 2018 Supplementary Review was a more spatially focused piece of work to better understand the performance of smaller 'sub-areas' against the Green Belt purposes, as well as their context in relation to the wider Green Belt (Local Areas and Strategic Areas, as assessed through the 2016 GBBR).

In addition to the above, the Council has also undertaken further evidence base work on the Green Belt:

- Green Belt Boundary Review – Assessment of Weakly Performing Local Areas 2019: The assessment identifies the extent of development potential within each Local Areas considered to be ‘weakly performing’ as part of the GBBR 2016 and sets out whether there is an opportunity for large / small-scale development or no development.
- Green Belt Boundary Review – Accessibility Assessment, June 2019: This assessment looks at the sustainability of specific Green Belt areas (weakly performing and smaller sub-divisions) using a range of accessibility standards.
- Green Belt Boundary Review – Assessment of Previously Developed Land, June 2019: This assessment looks at the level of Previously Developed Land (PDL) within specific Green Belt areas (weakly performing and smaller sub-divisions).
- Green Belt Site Proforma – Utilising the information from the above documents and other evidence base documents, the pro-forma considers specific areas of land for potential release from the Green Belt.

The evidence base documents set out that alongside further assessments and evidence base documents, they will be used to inform the Council’s preferred approach for the Local Plan and site selection. This includes whether exceptional circumstances exist to justify releasing land from the Green Belt.

EBC’s rationale for its proposed development strategy is set out in the Topic Paper: How the Spatial Strategy was formed (June 2022). The Paper sets out the options assessed when considering how to address the Borough’s housing need and includes the Council’s consideration of whether exceptional circumstances are fully evidence and justified to release land from the Green Belt. The Paper sets the rationale for the Council’s recommended spatial strategy within the draft Local Plan; promoting sustainable development and place-making ambition and responding to the Council’s commitment to tackle climate change.

Royal Borough of Kingston upon Thames

Over one-third of RBK is covered by Green Belt and MOL.

RBK’s ‘Green Belt and Metropolitan Open Land Assessment’ (2018) concluded that all designated Green Belt land and MOL within the borough fulfils its intended strategic purposes, with many instances of more than one purpose being met. These areas will be protected from inappropriate development in line with relevant planning policy from the National Planning Policy Framework and strategic policies from the London Plan.

Gypsies & Travellers

Elmbridge

The need for Gypsy, Roma and Traveller pitches during the plan period has been informed by the Gypsy and Traveller Accommodation Assessment (ORS, 2020) that sets out the current

and future accommodation needs. The assessment looks at the needs of Travellers that meet the planning definition as set out in the Government's Planning Policy for Traveller Sites 2015. It also assesses those that are undetermined in terms of the definition and those that do not meet the definition.

The Gypsy, Roma and Traveller Site Assessment Study (2022) identified sites to meet the borough's needs for Travellers as set out in the GTAA. Taking into account the recommendations of the GTAA and the grant of permission for 8 pitches since the 2020 GTAA was published, the council has not allocated sites. Rather, it will permit alternatives such as additional pitches on existing sites and windfall pitches, provided these meet the criteria set out in the policy.

There are no sites proposed in the draft Local Plan for transit or short-term site provision within the borough. Surrey County Council has been working closely with Surrey Police and other district and borough councils to identify a transit or short-term site and reduce the impact of unauthorised encampments across the county. A site has been identified in Tandridge and work is progressing on its delivery.

Royal Borough of Kingston upon Thames

RBK's Gypsy and Traveller Accommodation Needs Assessment (GTANA), published in 2018, identifies a need for 44 additional pitches between 2018 and 2041. It identifies a need for 30 pitches in the first five years (2018-23), with a remaining need for 14 pitches between 2023 and 2041.

As part of its local plan preparation undertaken to date, RBK has been unable to identify any suitable land for additional pitches given land constraints and has asked neighbouring authorities including EBC if they are able to assist in helping to meet any unmet need for Gypsy and Traveller accommodation.

Boat Dwellers

Elmbridge

The Boat Dweller Accommodation Assessment (BDAA) (2022) identified a need for 10 licenced permanent moorings on the Thames in the area. This is based on the stated need of boat dwellers moored on unlicensed and insecure permanent and temporary moorings. The 10 licenced permanent moorings are the expressed need for 5 years from January 2022.

The BDAA Site Assessment Paper (2022) sets out how EBC has sought to provide additional moorings. This includes looking at land within EBC's ownership and asking landowners of public land alongside the River Thames if they had any land available. This included engaging with RBK. The document confirms that there is currently no public land available along the River Thames within the borough nor in neighbouring authorities. Although the need identified is not going to be met through site allocation, Policy INF6 of draft Local Plan has been prepared to assist in ensuring that any windfall proposals for boat dweller accommodation are considered.

Royal Borough of Kingston upon Thames

RBK has not undertaken a BDAA at this stage.

Transport

Elmbridge Borough Council

As adjoining authorities there are both local and strategic road connections between Elmbridge Borough and the RBK. Principally, the A307 Portsmouth Road; the A243 (Leatherhead Road), Rushett Lane and Fair Oak Lane (B280) junction; and the A3 Hook junction.

The Transport Assessment (June 2022) undertaken in support of the draft Elmbridge Local Plan has identified that mitigation on the A3 / Hook junction is required. However, following on-going discussions with Transport for London (TfL) and the sharing of the modelling work for the Transport Assessment and TfL running their own analysis, it has been deemed that mitigation is not required. In conjunction with TfL, both authorities will however, continue to cooperate on this matter as the RBK Regulation 19 draft Local Plan emerges alongside its supporting Transport Assessment.

Royal Borough of Kingston upon Thames

RBK is in the process of updating its transport assessment evidence ahead of its upcoming Regulation 19 draft Local Plan publication.

Current positions:

Elmbridge draft Local Plan – Royal Borough of Kingston upon Thames' position

- RBK acknowledges that Elmbridge is a constrained borough like the Royal Borough which makes it challenging to meet development needs.
- RBK notes that Elmbridge is not proposing to meet its identified housing need during its plan period, and that no areas of Green Belt have been proposed for release to help address the unmet need.
- RBK supports the protection of London's Green Belt and Metropolitan Open Land (MOL) and welcomes Elmbridge's commitment to continue protecting its Green Belt land from inappropriate development in the draft Local Plan.
- RBK is mindful however, that Elmbridge's shortfall of unmet need may contribute to additional development pressure on Kingston, and therefore result in additional demand for supporting infrastructure in their borough.
- RBK cannot be relied upon to meet any of EBC's unmet housing need.
- RBK notes that Elmbridge has allocated a number of small-medium size development sites within the vicinity of the borough boundaries.
- RBK notes the approach to the provision of Gypsy and Traveller accommodation.
- RBK notes the Boat Dwellers Accommodation Assessment (2022) and the need for additional licenced mooring. It is acknowledged that there is likely to be an overlap of this kind of need across boundaries. RBK recognise that neither Elmbridge nor Kingston have identified any possible new mooring sites along public owned riverbank land at this stage.

- RBK notes the outcomes of the Local Plan Transport Assessment and that TfL considers that no mitigation is required on the A3 Hook junction as a result of the draft Elmbridge Local Plan.

Royal Borough of Kingston upon Thames emerging Local Plan – Elmbridge Borough Council's position

- EBC acknowledges that the scale of change required to boost housing supply across Kingston upon Thames (as set by the London Plan) is significant and will require a significant step-change in housing delivery.
- EBC notes that RBK considers its development needs can be within the urban areas without the need to consider release of land from the Green Belt / MOL.
- EBC notes RBK's response that it cannot meet any of its unmet housing need.
- EBC requests that RBK continues to take into account Elmbridge's unmet housing need when preparing their Local Plan and whether opportunities arise in order for RBK to assist in meeting any of EBC's unmet housing need.
- EBC welcomes the opportunity to make further comments / representations on the next iteration(s) of the RBK Local Plan and associated evidence base.

The parties agree:

1. Due to the fact that local housing need figures do not take account of Green Belt and other constraints, it will be challenging for those local authorities with significant areas of Green Belt / MOL to meet their requirement and / or assist in meeting unmet need arising from neighbouring boroughs.
2. That at the current stage of their respective local plan preparation, neither authority is able to assist in meeting the other's unmet need.
3. The proposed development strategies for each Local Planning Authority will be investigated through the Examination-in-Public process and it will be for the Planning Inspector to determine whether they are sound.
4. Despite the difficulties of meeting housing need including that of Gypsies & Travellers and Boat Dwellers, the two authorities will continue to discuss any significant development and changes in land supply and approach that could enable the issue of unmet housing need to be resolved.

The two authorities will continue to work together to discuss and address infrastructure requirements arising from their intended growth strategies and / or development taking place on their shared boundary.

Matters not specifically addressed within this Statement of Common Ground

The parties agree:

The following matters are defined in the NPPF as strategic matters but are not specifically addressed in the context of this Statement of Common Ground (the authorities continue to work together on these matters as appropriate).

- Employment, retail and leisure;
- Flooding;
- Minerals, Waste & Utilities;
- Health;
- Education;
- Green & Blue Infrastructure;
- Climate Change; and
- Historic Environment.

The authorities agree that the engagement undertaken on these issues during meetings, other communications and as set out in their respective Duty to Cooperate: Statement of Compliance document where in place, is, an accurate record and that there are no unresolved issues.

It is also agreed that the authorities will continue to work on these matters as appropriate.

5. Governance Arrangements

The authorities are committed to working positively together, sharing information and best practice, and continuing to procure evidence jointly, where appropriate, throughout the plan preparation phase and beyond. This co-operation and collaboration takes place at senior member, chief executive, and senior officer as well as at technical officer level.

In terms of governance, the authorities agree:

- that in response to any new evidence / changes in circumstances, informal discussions will occur between the two authorities on the cross-boundary issues referred to in this SoCG in the form of officer level meetings with escalation of matters to Member level where necessary;
- that this SoCG will be reviewed at the above meetings or, when required by either authority e.g. for the purpose of their Examination;
- to continue to work collaboratively on plan preparation and evidence, whilst acknowledging others' timetables and timescales; and
- to respect each other's right to develop their own plans that fit the specific circumstances of the local authority's communities.