



# Submission Surrey Heath Local Plan (2019-2038)

## Duty to Cooperate Statement of Compliance Update



**December 2024**

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## 1. Introduction

### Background

- 1.1. The Council published its Pre-Submission Surrey Heath Local Plan (2019-2039): (Regulation 19) between 7<sup>th</sup> August and 20<sup>th</sup> September 2024. Alongside the Pre-Submission Local Plan, the Council also published a range of evidence and supporting documents.
- 1.2. These documents included the [Duty to Cooperate Statement of Compliance, July 2024](#) which sets out how the Council considers that it has met the legal duty to cooperate up to that point.
- 1.3. The July 2024 Statement of Compliance set out that an Update would be produced prior to the Local Plan being submitted for examination to demonstrate that the duty to cooperate has been ongoing. This Update sets out information on any further duty to cooperate activities that have taken place since July and up to the point of the Local Plan being Submitted to the Secretary of State for independent Examination in December 2024.
- 1.4. As set out in the Duty to Cooperate Compliance Statement July 2024, in preparing local plans, local authorities must address strategic planning matters that cross administrative boundaries. The duty to cooperate places a legal duty on local planning authorities, county councils in England, and other prescribed bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 1.5. The Council has demonstrated how it has engaged constructively, actively and on an ongoing basis with prescribed bodies to consider cross boundary strategic planning matters as they affect the preparation and delivery of the Surrey Heath Local Plan 2019-2038 through:
  - Duty to Co-operate Scoping Framework, 2017 and 2020
  - Duty to Cooperate Statement, May 2018
  - Duty to Cooperate Statement of Compliance, July 2024
  - Duty to Cooperate Statement of Compliance Update, December 2024
  - Statements of Common Ground as set out in Table I of this document.
- 1.6. These documents can be viewed in the Document library on the [Examination webpage](#).



## Main activities since July 2024

- 1.7. Since publication of the Pre-Submission Local Plan in August the key activities under the duty to cooperate have been:
- Notification of all duty to cooperate bodies that the Pre-Submission Surrey Heath Local Plan (2019 – 2038) has been published.
  - Receipt of representations from duty to cooperate bodies on the Pre-Submission Local Plan.
  - Receipt of responses from neighbouring authorities to the Council's letter to Planning Portfolio holders in July 2024 regarding unmet gypsy, traveller and travelling showpeople needs.
  - Virtual meetings with a number of duty to cooperate bodies regarding representations received to the Pre-Submission Local Plan.
  - Agreed new and updated Statements of Common Ground with duty to cooperate bodies.
  - Engagement on further updates to the local plan evidence base including a Strategic Flood Risk Assessment and the Water Cycle Study.
- 1.8. In addition, there have been ongoing working group meetings including Planning Working Group (all Surrey Authorities) and Thames Basin Heaths officer meetings. Further information on the above duty to cooperate activities is detailed in the following sections.



## 2. Statements of Common Ground

- 2.1. Statements of Common Ground are published separately to this Duty to Cooperate Statement of Compliance Update. As set out in national planning policy and guidance, Statements of Common Ground have been prepared throughout the plan-making process as set out in the Table below:

**Table 1: Statements of Common Ground at each stage in Plan-making**

<b>Duty to Cooperate body</b>	<b>Draft Local Plan Regulation 18 March 2022</b>	<b>Pre-Submission Local Plan, Regulation 19 July/August 2024</b>	<b>Submission Local Plan December 2024</b>
Hart District Council	Yes	Yes	Yes – signed October 2024
Rushmoor Borough Council	Yes	Yes	Yes – signed November 2024
Surrey County Council	No	Yes	Yes – signed November
Bracknell Forest Borough Council	No	No – although draft agreed in principle at Officer level but completion postponed until post Regulation 19 publication at request of BFC.	Yes – signed December 2024
Guildford Borough Council	No	No	Yes – signed October 2024
Woking Borough Council	No	No	Yes – signed November 2024
Runnymede Borough Council	No	No	Yes – signed December 2024



<b>Duty to Cooperate body</b>	<b>Draft Local Plan Regulation 18 March 2022</b>	<b>Pre-Submission Local Plan, Regulation 19 July/August 2024</b>	<b>Submission Local Plan December 2024</b>
Royal Borough of Windsor and Maidenhead	No	No	Yes – signed December 2024
Natural England	No	Yes	Yes – signed November 2024
Environment Agency	No	Yes	Yes – signed November 2024
National Highways	No	Yes	Yes – signed November 2024
Thames Water (included for completeness although not a duty to cooperate body)	No	Yes	Yes – signed November 2024

- 2.2. Where there were Statements of Common Ground agreed at Pre-Submission then these have been updated at Submission through the addition of a new Section at the start of the agreed Pre-Submission Statements.



### 3. Pre-Submission Representations

3.1. The following duty to cooperate bodies responded to the Pre-Submission Local Plan publication:

- Bracknell Forest Council
- Environment Agency
- Guildford Borough Council
- Hart District Council
- Historic England
- Homes England
- National Highways
- Natural England
- NHS Frimley and NHS Surrey Heartlands
- Royal Borough of Windsor and Maidenhead
- Runnymede Borough Council
- Rushmoor Borough Council
- Surrey County Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

3.2. No response was received from:

- Epsom & Ewell Borough Council
- Elmbridge Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Spelthorne Borough Council
- Wokingham Borough Council
- Hampshire County Council
- Basingstoke & Deane Borough Council
- Civil Aviation Authority
- Mayor of London
- National Health Service Commissioning Service





- Office of Rail and Road
- Transport for London

3.3. A summary of the representations relating to each strategic matter are set out in Section 5 below. The majority of these comments are on detailed matters rather than raising any strategic issues but a summary of these comments is also included for completeness. Full copies of the representations can be found through the Council's [Local Plan webpage](#) and a summary of the representations and the Council's summary response can be found in the Pre-Submission Summary of Main Issues Raised and the Council's Response document available in the Document library, as well as being set out in relevant Statements of Common Ground.

3.4. Virtual officer meetings were held with the following bodies:

- Hart District Council – 8<sup>th</sup> October 2024
- Bracknell Forest Borough Council – 9<sup>th</sup> October 2024
- Natural England – 14<sup>th</sup> October 2024
- Environment Agency – 14<sup>th</sup> October 2024
- Guildford Borough Council – 15<sup>th</sup> October 2024
- Surrey County Council – 15<sup>th</sup> October 2024
- Runnymede Borough Council – 21<sup>st</sup> October 2024
- Rushmoor Borough Council – 5<sup>th</sup> November 2024
- Thames Water – 5<sup>th</sup> November 2024

3.5. The outcomes of these meetings are set out in Appendix I and also within relevant Statements of Common Ground.



## 4. Evidence Base

- 4.1. Since publication of the Pre-Submission Local Plan in August 2024 some further work on the evidence base has taken place as set out in the Table below:

Evidence Base	Relevant duty to cooperate partners	Comments
Strategic Land Availability Assessment (SLAA)	Surrey County Council (SCC)	Has mainly involved contact with landowners and developers.
Strategic Flood Risk Assessment (SFRA)	Environment Agency (EA), Surrey County Council	Significant engagement with the Environment Agency at all stages.
Water Cycle Study (WCS)	Environment Agency Adjoining local authorities	Significant engagement with the Environment Agency at all stages. Also engagement with Thames Water.

- 4.2. In relation to the Strategic Flood Risk Assessment (SFRA) and Water Cycle Study (WCS), engagement with the Environment Agency is set out in the Statement of Common Ground, November 2024. In addition, engagement includes confirmation by the EA by email on 7<sup>th</sup> October that the SFRA methodology was reasonable and providing some further detailed comments and also that they are happy with the scope of the WCS.
- 4.3. To ensure constructive, continued engagement, the Council entered into a Cost Recovery Advice agreement with the Environment Agency in September 2024 to support preparation of the SFRA.



## 5. Strategic Matters

- 5.1. As part of the Local Plan preparation, the Council prepared a Duty to Cooperate Scoping Framework which identified 10 Strategic Matters as set out below:

### **Housing and Economic Needs**

Matter 1: Meeting Housing Needs

Matter 2: Meeting needs for Gypsies and Travellers and Travelling Showpeople

Matter 3: Delivering Economic Growth

### **Natural Environment**

Matter 4: Thames Basin Heaths Special Protection Area

Matter 5: Natural and Historic Environment and Green Belt

Matter 6: Flooding

### **Infrastructure**

Matter 7: Transport

Matter 8: Social infrastructure including Healthcare and Education

Matter 9: Utilities including water and wastewater

### **Climate Change**

Matter 10: Climate Change

- 5.2. The following sections set out the representations received to the Pre-Submission Local Plan on each strategic matter, the outcome of any further discussions and the outstanding position as at Submission.
- 5.3. In addition to specific comments relating to Strategic planning matters a number of comments were received generally on the duty to cooperate or the Plan as a whole as set out below:



**Table 2: General comments on the Local Plan/meeting the Duty to Cooperate**

<b>Duty to cooperate body</b>	<b>Comments</b>
Hart District Council	Notes that there is a strong record of cooperation between the two authorities and support SHBC in progressing the Local Plan.
Royal Borough of Windsor & Maidenhead	RBWM has no concerns or objections to the Pre-Submission Surrey Heath Local Plan or its evidence base and looks forward to continuing constructive discussions under the Duty to Cooperate.
Rushmoor Borough Council	Notes on the representation form that they consider the Plan to be Legally compliant, sound, and complies with the duty to cooperate. Supports the Pre-Submission Local Plan in accordance with the recently agreed Statement of Common Ground between Surrey Heath Borough and Rushmoor Borough Council.
Tandridge District Council	In general TDC feel that the Plan has been positively prepared, therefore support the Local Plan 2019 – 2038.
Woking Borough Council	Notes that the authorities have worked together through the duty to cooperate and have documented our engagement. As a result, Woking Borough Council fully supports the draft Plan.
Environment Agency	Notes that the local plan has been well written and contains robust policies to ensure environmentally sustainable development and growth within Surrey Heath. EA is therefore generally satisfied with the content and quality of the draft pre-submission Surrey Heath Local Plan 2019 – 2038 Regulation 19. Soundness issues raised regarding the evidence base as set out in the Matters below.



Duty to cooperate body	Comments
Runnymede Borough Council	Notes on the representation form that they consider the Plan to be legally compliant and having met the duty to cooperate and comment that 'there have been constructive, ongoing conversations between us on cross boundary strategic issues'. Soundness issues are raised in relation to Gypsies and Travellers and Travelling Showpeople provision as set out in the Matters section below.
Historic England	State that they consider that the tests of soundness in respect of elements that relate to the historic environment have been met.

## Matter I: Meeting Housing Needs

5.4. Responses were received on this Matter from:

- Environment Agency (EA)
- Guildford Borough Council (GBC)
- Hart District Council (HDC)
- Homes England (HEng)
- Natural England (NE)
- Royal Borough of Windsor and Maidenhead (RBWM)
- Rushmoor Borough Council (RBC)
- Tandridge District Council (TDC)
- Waverley Borough Council (WaBC)
- Bracknell Forest Council (BFC)

5.5. Key Issues identified from the representations were:

- Support the positive approach taken by SHBC in meeting Local Housing need with an additional buffer to provide flexibility. (GBC)



- Support the approach that unmet housing need is to be met within the Hart, Rushmoor and Surrey Heath Housing Market Area. Confirm would be unable to meet any unmet housing needs from Surrey Heath. (WaBC)
- Note there is no unmet need for housing as this is being met by Hart District Council (BFC)
- Notes the increase in housing numbers for the Borough under the proposed new Standard Method and that SHBC is intending to submit under the transitional arrangements that would enable the examination to continue under the current NPPF. (GBC)
- Notes the commitment in the adopted Hart Local Plan to provide 533 homes in the overlapping plan periods 2019 – 2032. Having regard to the Hart Local Plan trajectory being front loaded and the completion of new homes since April 2019 set out that Hart has already delivered the 533 homes of unmet need and seek an amendment to the supporting text to reflect this (HDC).
- Notes that Tandridge does not sit in the same Housing Market Area and that Hart District Council are to meet 533 homes of unmet need. Considers that all Surrey Authorities should be identified as partners in the Duty to Cooperate Scoping Framework (TDC)
- Notes a number of additional sites allocated since Regulation 18 and identifies concerns with one (HA1/18) that lies partially within 400m of the TBHSPA and suggests that this is revisited. (NE)
- Identify five allocated housing sites that due to site constraints will require further flood risk site assessments, and river restoration opportunities at a sub-set of these sites, and this should be included in the Policy allocation requirements. (EA)
- Pleased to see a current housing land supply position of 7.24 years and the continued intention of Surrey Heath and its Housing Market Area (HMA) partners to work together to ensure any shortfall is addressed within the HMA. (RBWM)
- Considers that Policy SSI: Spatial Strategy is unsound and requires modification to make clear how the Council will treat the principle of development on sites with existing planning permission and to confirm that should permissions lapse, the Council will support the principle of residential use, especially as the Plan relies on a significant supply from commitments. This could be resolved by adding further criterion to Policy SSI, allocating large sites (such as Land West of Sturt Road) with permission within Policy HA1, or amending the settlement boundary around committed sites. (HEng)
- Confirm that they would not be in a position to help meet unmet housing needs (RBC)



- 5.6. In response to these representations duty to cooperate meetings were held with relevant partners as set out in paragraph 3.4 and a number of Statements of Common Ground updated or prepared as set out in Table I.
- 5.7. Of significant note in the representations is that Hart District Council reconfirmed their commitment to delivering 533 homes of unmet need over the overlapping plan periods albeit that due to over-delivery in the early part of their Plan period they consider that this supply has already been met.
- 5.8. Contact was made with Tandridge District Council to clarify that all Surrey local authorities are identified as relevant partners against the Housing Matter in the duty to cooperate Scoping Framework, 2020 and have been engaged on housing matters throughout the plan process. TDC confirmed via email on 24/9/24 that this satisfied their concerns.

### **Summary of Outcomes**

- 5.9. As a result of the above are the following key outcomes:
  - No soundness issues, other than that raised by Homes England regarding sites with extant planning permission have been raised by Duty to Cooperate bodies regarding the housing requirement and HDC has reconfirmed delivery of 533 homes to meet unmet needs in Surrey Heath Borough.
  - Statements of Common Ground have been agreed with relevant bodies as set out in Table I outlining the agreed position on Housing Matters.
  - A number of Main Modifications are proposed and have been submitted alongside the Submission Surrey Heath Local Plan for consideration by the Local Plan Inspector (these do not form part of the Submitted Plan) including:
    - ◆ A modification to the supporting text to Policy SSI to respond to representations from Hart DC that the unmet housing need has already been provided.
  - A modification to supporting text to HAI to respond to concerns from Homes England regarding strategic sites with planning permission.
  - Modifications to HAI/06 to respond to concerns from Environment Agency, regarding flood risk assessment and mitigation.



## Matter 2: Meeting needs for Gypsies and Travellers and Travelling Showpeople

- 5.10. In July 2024 and prior to the publication of the pre-submission Local Plan the Council's Homes, Planning & Enforcement Portfolio holder wrote to the Planning Portfolio holders in all neighbouring local authorities regarding unmet gypsy, traveller and travelling showpeople needs. This letter set out the work that the Council has undertaken in seeking to identify suitable sites to meet needs over the plan period. It also set out that despite extensive work, the Council has been unable to identify sufficient sites to meet needs. The letter (included as an Appendix in the Duty to Cooperate Statement of Compliance, July 2024) followed a number of previous approaches to neighbouring local authorities, including a briefing session held in September 2023, and again asked whether any local authority was able to assist Surrey Heath in meeting unmet needs.
- 5.11. A summary of responses received to this letter is set out in Appendix 2. No authority set out that it is able to help meet unmet gypsy and traveller and travelling showpeople needs. This view had been raised throughout the Plan making process in response to previous requests and in response to the Draft Local Plan in 2022 and was also reiterated in a number of the representations received to the Pre-Submission Local Plan as set out below.
- 5.12. Responses to the Pre-Submission Local Plan on this matter were received from:
- Bracknell Forest Council (BFC)
  - Environment Agency (EA)
  - Guildford Borough Council (GBC)
  - Hart District Council (HDC)
  - Natural England (NE)
  - Runnymede Borough Council (RuBC)
  - Tandridge District Council (TDC)
  - Waverley Borough Council (WaBC)
- 5.13. Key issues identified from the representations were:
- Recognise the extensive efforts that have been made to meet needs for traveller accommodation albeit this appears to have yielded limited positive results and there is a somewhat concerning potential shortfall of sites. (GBC)





- Note that there is a considerable shortfall of sites for Gypsy and Traveller pitches and plots over the plan period. Confirm they are unable to assist in meeting any unmet needs (WaBC)
  - Notes the identified need and the allocation for 5 pitches. Welcomes the fact that Surrey Heath intends to meet its own needs and would object if there were unmet needs for neighbouring authorities to address especially in the context of the emerging NPPF. (HDC)
  - For the benefit of adjoining local authorities it should be clarified that there are no unmet Gypsy, Traveler or Travelling Showpeople needs for them to address. (HDC)
  - If further work is required by the Local Plan Inspector to address needs this must be done by SHBC and not fall to neighbouring authorities. (HDC)
  - Queries whether site HAI/18 lies partly within the 400m TBHSPA exclusion zone (NE)
  - Do not consider the Plan is sound as Policy HAI/05 Sir William Siemens Square is not positively prepared as it does not specify the minimum number of plots/pitches that can be accommodated. (RuBC)
  - Set out that they have extremely high needs for gypsy and travellers and travelling showpeople pitches/plots and is unable to take any unmet needs from Surrey Heath and wants to ensure that Surrey Heath does all it can to meet its own needs(RuBC)
  - Support Policy H11: Gypsies and Travellers and Travelling Showpeople which aims to meet identified needs. (TDC)
  - Acknowledge that unmet needs are to be addressed through a flexible policy approach and a requirement for large sites (over 100 units) to make provision. Consider the protection of existing sites and the use of conditions are pragmatic ways of trying to maintain the supply. (BFC)
  - Confirm are unable to assist with meeting any unmet needs (BFC).
  - Suggest a minor addition regarding routes of safe access and egress is added to Policy H11: Gypsies and Travellers and Travelling Showpeople and request additional policy criterion for H12: Site Allocations for Gypsy and Travelling Showpeople Accommodation in relation to matters of flood risk and water pollution. (EA)
- 5.14. In response to these representations duty to cooperate meetings were held with relevant partners as set out in paragraph 3.4 and a number of Statements of Common Ground updated or prepared as set out in Table 1.



- 5.15. A soundness issue has been raised by Runnymede BC regarding the provision of gypsy and traveller and travelling showpeople provision in the allocation of Sir William Siemens Square. Some concern is raised by other local authorities regarding the outstanding gypsy and traveller and travelling showpeople need but in discussions through duty to cooperate meetings the flexible policy approach that the Council has set to support future delivery is also welcomed.



### Summary of Outcomes

- 5.16. As a result of the above are the following key outcomes:
- Neighbouring local authorities have again set out in response to the Planning Portfolio letters of July 2024 and in several Pre-Submission Local Plan responses, that they cannot help meet unmet gypsy, traveller and travelling showpeople needs.
  - In relation to the soundness issue and Sir William Siemens Square, this site now has planning permission and it is therefore not considered appropriate to include an additional criteria relating to pitches/plots. This has been noted through the agreed Statement of Common Ground with Runnymede BC who suggest that it will be for the Local Plan Inspector to consider whether unmet needs goes to the heart of the soundness of the Plan.
  - A Main Modification is proposed to Policy H12 to respond to comments from the EA in relation to risk assessment and restoration, for consideration by the Local Plan Inspector.

### Matter 3: Delivering Economic Growth including retail

- 5.17. Responses to the Pre-Submission Local Plan on this matter were received from:
- Royal Borough of Windsor & Maidenhead (RBWM)
  - Bracknell Forest Council (BFC)
  - Environment Agency (EA)
- 5.18. Key Issues identified from the representations were:
- Welcomes the allocation of sites to meet full employment needs (RBWM)
  - Notes the approach to meeting employment needs with minor suggestions for amendment to Policy ER7 Edge of Centre and Out of Centre proposals to ensure consistency with the NPPF and questions consistency between ER7 and ER8. (BFC)
  - As set out under Matter 9 considers that an updated Water Cycle Study is required to demonstrate growth in the employment areas can be delivered and that the Plan is sound. (EA)
- 5.19. Points raised by BFC and the EA have been discussed with those bodies and the approach agreed through Statements of Common Ground.

### Summary of Outcomes

- 5.20. As a result of the above are the following outcomes:



- A modification is proposed to Policy ER7 to ensure the Policy is in line with the NPPF for consideration by the Local Plan Inspector.
- An updated Water Cycle Study has commenced with completion anticipated in March 2025. The EA have engaged in the WCS preparation.

## Matter 4: Thames Basin Heaths Special Protection Area

5.21. Responses to the Pre-Submission Local Plan on this matter were received from:

- Natural England (NE)
- Bracknell Forest Council (BFC)
- Royal Borough of Windsor and Maidenhead (RBWM)

5.22. Key Issues identified from the representations were:

- Welcomes inclusion of the Policy but suggests referencing the Strategic Access Management and Monitoring (SAMM) tariff changing each year in line with inflation within the Policy.(NE)
- Support the identification of sufficient Suitable Alternative Natural Greenspace (SANG) capacity over the plan period and support the conclusion of the Habitat Regulation Assessment (HRA)that there will be no adverse effect on the integrity of the TBHSPA.(NE)
- Seek clarity whether C2 (extra care or care home) developments sites have been included in SANG capacity calculations although note that there is sufficient SANG capacity available to cover these even if they are not yet factored in. (NE)
- Notes there is sufficient SANG capacity to mitigate proposals. Minor amendments suggested to Policy EI: Thames Basin Heaths Special Protection Area. (BFC)
- Support Policy EI: Thames Basin Heaths SPA and the findings of the HRA including provision of sufficient SANG over the plan period. (RBWM)

5.23. In response to these representations the Council notes the support from Natural England regarding the findings of the Habitat Regulation Assessment. The matters raised above were discussed with Natural England and Bracknell Forest Council at duty to cooperate meetings and the response agreed through Statements of Common Ground.



## Summary of Outcomes

- 5.24. As a result of the above are the following outcomes:
- number of modifications are proposed to Policy EI Thames Basin Heaths Special Protection Area in response to comments from Bracknell Forest Council for consideration by the Local Plan Inspector
  - The Council has identified sufficient SANG capacity to deliver the Local Plan housing requirement and has demonstrated that there will be no adverse effect arising from the Local Plan on the integrity of the TBHSPA.

## Matter 5: Natural and Historic Environment and Green Belt

- 5.25. Responses to the Pre-Submission Local Plan on this matter were received from:
- Surrey County Council
  - Natural England
  - Historic England
  - Royal Borough of Windsor and Maidenhead (RBWM)
- 5.26. Key Issues identified from the representations were:
- Supportive of Policies IN5: Green Infrastructure, E2: Biodiversity and Geodiversity and Policy E3 Biodiversity Net Gain (NE).
  - Welcomes references to the Local Nature Recovery Strategy (SCC)
  - Request for future-proofing by reference to future updates to the Surrey Landscape Character Assessment to apply (SCC)
  - Suggestions for some minor word changes to Policy DH7 Heritage Assets and supporting text (SCC)
  - Welcome the inclusion of policies for the historic environment that meet the obligation for preparing the positive strategy required by the NPPF (HE)
  - Do not consider that the proposed amendments to the Green Belt will have any detrimental impact on RBWM. (RBWM)
  - Welcomes the requirement in Policy E3 for a 20% Biodiversity Net Gain. (RBWM)
- 5.27. The Council notes the support for relevant policies relating to the Natural Environment, Historic Environment and Green Belt.

## Summary of Outcomes



5.28. As a result of the above:

- a modification is proposed to Policy E8 Landscape Character to respond to comment from SCC for consideration by the Local Plan Inspector
- a modification is proposed to Policy DH7 Heritage Assets to respond to comment from SCC for consideration by the Local Plan Inspector

## Matter 6: Flooding

5.29. Responses to the Pre-Submission Local Plan on this matter were received from:

- Surrey County Council (SCC)
- Environment Agency (EA)

5.30. Key Issues identified from the representations were:

- Suggestions for minor word changes to Policy E6 Flood Risk and Sustainable Drainage and Policy E7 Watercourses and Water Quality (SCC)
- Consider the Policy wording of E6 – Flood Risk and Sustainable Drainage is adequate but that the evidence (Strategic Flood Risk Assessment (SFRA)) is not up to date. Note that SHBC has started work on an updated SFRA. This evidence is needed to confirm whether some housing allocations can be delivered in line with the NPPF. Therefore, consider the Plan is not sound as it is not justified and consistent with national policy. (EA)
- Revised wording proposed for Policy E6 bullet point 5 regarding development within Groundwater Source Protection Zones and Principal Aquifers. (EA)

5.31. In response to these representations the Council has discussed the matters raised with SCC and the EA at duty to cooperate meetings and agreed the response through the Statements of Common Ground.

### Summary of Outcomes

5.32. As a result of the above:

- a number of modifications are proposed to Policies E6: Flood Risk and Sustainable Drainage, and E7: Watercourses and Water Quality for consideration by the Local Plan Inspector.
- an updated SFRA is being prepared with engagement at all stages with the EA, including through a Cost Recovery Agreement. One of the outcomes of the duty to cooperate meeting with the EA on 14<sup>th</sup> October 2024 (see Appendix I) was ‘there



are no unresolved strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038 subject to the completion of the update to the SFRA and WCS’.

## Matter 7: Transport

- 5.33. Responses to the Pre-Submission Local Plan on this matter were received from:
- Royal Borough of Windsor and Maidenhead (RBWM)
  - Surrey County Council (SCC)
  - Bracknell Forest Council (BFC)
  - National Highways (NH)
- 5.34. Key Issues identified from the representations were:
- Minor changes suggested to Policies IN2: Transportation and/or Policy CTC3: Movement and Accessibility to reference car clubs opportunities at larger scale town centre developments.(SCC)
  - Welcomes the findings of the Strategic Highway Assessment and continued engagement on strategic transport and infrastructure issues (RBWM)
  - Note the findings of the Transport Assessment and note that no strategic concerns are raised on this issue. (BFC)
  - Notes previous Statement of Common Ground and notes outcomes of transport modelling. Welcomes aim of Policy IN2 to ensure new developments are positively designed for sustainable modes of travel and the explicit requirement for development to contain mitigation which maintains the safe operation and performance of the SRN. (NH)
- 5.35. Following receipt of the representations, the Council also directly contacted Hampshire County Council (HCC), as the neighbouring local highway authority, to seek confirmation that they have no concerns regarding the highway impacts of the proposed spatial strategy in the Surrey Heath Pre-Submission Local Plan on the highway network in Hampshire.
- 5.36. A response from the Transport Team Leader (20<sup>th</sup> November 2024) confirmed that having reviewed the Strategic Highway Report ‘the County Council do not consider that any mitigation will be required within Hampshire’. HCC also confirms that ‘As you note, HCC didn’t previously raise any concerns regarding the SHAR or Pre-Submission Local Plan, and our position remains the same.’

### Summary of Outcomes



- 5.37. As a result of the above a modification has been proposed to Policy CTC3 Movement and Accessibility in response to car club opportunity comments from SCC and for consideration by the Local Plan Inspector.

## Matter 8: Social infrastructure including Healthcare and Education

- 5.38. Responses to the Pre-Submission Local Plan on this matter were received from:
- NHS Frimley and NHS Surrey Heartlands Integrated Care Boards ('the ICB's)
  - Surrey County Council (SCC)
  - Tandridge District Council (TDC)
- 5.39. Key Issues identified from the representations were:
- Minor word changes suggested for clarification relating to support for those with Special Educational Needs. (SCC)
  - Welcome inclusion of a requirement for Health Impact Assessments with some minor changes suggested (SCC).
  - Note that pressure on the GP estate is intensified through housing growth, with any new sites of housing development in Surrey Heath increasing the population, all of whom will require access to GP services. (ICBs)
  - Note that the GP practice premises in both Primary Care Networks are at capacity so any increase in patient numbers due to new housing development will require appropriate capital contributions through planning obligations, to mitigate the increased pressures. (ICB's)
  - Growth will also have an impact on acute care capacity in Frimley Park Hospital and on paediatric services. The ICBs will continue to consider how additional capacity can be provided to reflect the new models of care in line with the Local Plan housing trajectory to ensure that impacts on health and care infrastructure are appropriately mitigated. (ICB's)
  - The ICBs estimate that Primary Care GP providers will require circa 800 sqm of primary care floorspace. The impact of new housing will be assessed on a case by case basis. Based on present day estimates the cost could be between £3 - £5.75m. (ICBs)
  - The ICBs will seek capital contributions by way of s106 and/or CIL as appropriate, to mitigate the increased population. (ICBs)
  - General support for Policy IN1: Infrastructure Delivery (TDC)





- 5.40. In response to these representations the Council notes the position regarding pressure on GP services. The ICBs have provided input into the Infrastructure Delivery Plan which will be updated at regular intervals. Health providers will continue to be engaged in planning applications and in discussions regarding potential bids for CIL funding. It is noted that no change is sought to the Local Plan from the ICBs.

### **Summary of Outcomes**

- 5.41. As a result of the above a modification is proposed to the supporting text to Policy IN1: Infrastructure to clarify support for those with Special Educational Needs for consideration by the Local Plan Inspector.

## **Matter 9: Utilities including water and wastewater**

- 5.42. Responses to the Pre-Submission Local Plan on this matter were received from:

- Environment Agency (EA)

- 5.43. Key Issues identified from the representations were:

- Consider the wording of Policy IN1: Infrastructure Delivery adequate but the evidence supporting the policy is not up to date. An updated Water Cycle Study is required to understand exactly how development at strategic housing allocations and employment sites can be delivered. (EA)
- Support the inclusion of Policy E7: Water courses and Water quality and suggest some minor amendments to wording. (EA)

- 5.44. In response to these representations the Council has undertaken duty to cooperate discussions with SCC and the EA and responses agreed through the Statements of Common Ground.

### **Summary of Outcomes**

- 5.45. The outcomes of the above are as follows:

- A new Water Cycle Study has commenced with completion anticipated in March 2025. The EA have been fully engaged in the WCS preparation. As set out under Matter 6 one of the outcomes of the duty to cooperate meeting with the EA on 14<sup>th</sup> October 2024 (see Appendix 1) was 'there are no unresolved strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038 subject to the completion of the update to the SFRA and WCS'.



- Several modifications in relation to water quality, are proposed to Policies IN1 Infrastructure, ER6 Flood Risk and Sustainable Drainage and ER7 Watercourses and water quality, for consideration by the Local Plan Inspector.

## Matter 10: Climate Change

5.46. Responses to the Pre-Submission Local Plan on this matter were received from:

- Royal Borough of Windsor & Maidenhead (RBWM)
- Surrey County Council (SCC)

5.47. Key Issues identified from the representations were:

- Support for Policy DH8: Building Emission Standards. Suggest reference is made to the emerging countywide guidance - Surrey Viability Toolkit: An evidence study to support planning policies which deliver Net Zero Carbon developments (SCC)
- Strongly support the intentions to tackle climate change and particularly the requirement in Policy SS3a that major applications should deliver net zero carbon development unless not feasible or viable with any shortfall addressed via off-site measures or a carbon offset payment. (RBWM)

### Summary of Outcomes

5.48. As a result of the above a modification is proposed to Policy DH8 Building Emission Standards for consideration by the Local Plan Inspector.



## 6. Duty to Cooperate Matters Raised by other Representors

6.1. A number of non-duty to cooperate bodies set out on their representations form that they consider that the Council has not met the legal duty to cooperate. The issues raised are summarised below but further detail and the Council's response can be found in the Pre-Submission Summary of Main Issues raised and the Council's Response document available in the Examination document library.

- In view of the suggested need to change the Plan period (i.e. it should start later (2023) and end later (2040/42)) and the proposed changes to the NPPF and the standard method, future supply from Hart District Council is questioned and it is suggested that this supply should be omitted.
- Prior to submitting the Local Plan, and having regard to the increase in Hart's housing need under the proposed standard method, the commitment from Hart needs to be discussed with them to ensure it is still relevant.
- The duty has been failed by not taking full account of the agreed policies in the made Windlesham Neighbourhood Development Plan.
- The Plan is not self consistent. The emphasis on building around the town centre would require good sustainable communications with the rest of the area. There are insufficient safe cycle routes from areas identified for development to services outside the area.
- A few representations indicated there maybe duty to cooperate issues but did not provide any reasons.



## 7. Conclusions

- 7.1. The Council considers that it has met the legal duty to cooperate and this is demonstrated through the documents set out in paragraph 1.5 of this Compliance Statement Update including an updated Statement of Common Ground with Hart District Council, October 2024.
- 7.2. No duty to cooperate body has suggested that the Council has not met the legal duty. Matters regarding soundness have been addressed with the relevant duty to cooperate bodies through Statements of Common Ground and proposed Modifications for consideration by the Local Plan Inspector. This includes preparation of updated evidence documents in cooperation with the Environment Agency.
- 7.3. Modifications are also proposed in relation to a number of the other matters raised by duty to cooperate bodies for clarity and accuracy.



## 8. Appendix I: Outcomes of Duty to Cooperate meetings October to November 2024.

Duty to Cooperate body	Date	Key outcomes of meeting
Bracknell Forest Borough Council	9th October 2024	<ul style="list-style-type: none"> <li>• Update on the SHLP timetable</li> <li>• Constructive discussion on the BFC Pre-Submission representations and agreed proposed modifications as a result of those.</li> <li>• As a result of discussion, both authorities agree that: <ul style="list-style-type: none"> <li>○ there are no unresolved cross boundary strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.</li> <li>○ Surrey Heath has complied with the legal duty to cooperate.</li> <li>○ BFC has made clear through the plan – making process that it is unable to meet any unmet market needs or unmet needs of gypsies, travellers and travelling showpeople.</li> <li>○ Both authorities note the draft transitional arrangements and proposed uplifted housing need.</li> <li>○ Constructive joint working will continue on relevant cross boundary matters including the Thames Basin Heaths Special Protection Area and in progressing future Local Plans.</li> </ul> </li> <li>• Exchange of lessons learnt through the BFLP examination.</li> <li>• Agreement in principle to the preparation of a Statement of Common Ground.</li> </ul>
Environment Agency	14 <sup>th</sup> October 2024	<ul style="list-style-type: none"> <li>• Update on the SHLP timetable</li> <li>• Constructive discussion on the data sources, data licences and methodology for the ongoing work by JBA Consulting, to update the Strategic Flood Risk Assessment and the Water Cycle Study. Agreement</li> </ul>



Duty to Cooperate body	Date	Key outcomes of meeting
		<p>to work together to support the production of the updated SFRA and Water Cycle Study.</p> <ul style="list-style-type: none"> <li>• Constructive discussion on the Environment Agency’s Pre-Submission representations as a result both organisations agree that: <ul style="list-style-type: none"> <li>○ there are no unresolved strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038, subject to the completion of the update to the SFRA and the WCS.</li> <li>○ Surrey Heath has complied with the legal duty to cooperate.</li> <li>○ Proposed modifications will be presented to the Inspector.</li> <li>○ Constructive joint working will continue on relevant strategic matters</li> </ul> </li> <li>• Agreement in principle to the preparation of an update to the Pre-Submission Statement of Common Ground (SCG).</li> </ul>
Guildford Borough Council	15 <sup>th</sup> October 2024	<ul style="list-style-type: none"> <li>• Update on the Surrey Heath Local Plan timetable;</li> <li>• Constructive discussion on the GBC Pre-Submission representations and clarification on GBC’s response on Gypsies, Travellers and Travelling Showpeople, which confirmed that GBC did not consider that any changes were expected as a result of the comments made.</li> <li>• Agreement in principle to an updated SCG.</li> </ul>
Hart District Council	8 <sup>th</sup> October 2024	<ul style="list-style-type: none"> <li>• Updates on the timetables of both the Surrey Heath and Hart Local Plans.</li> <li>• Agreement to a proposed modification to be submitted with the Local Plan regarding Hart’s delivery of unmet need.</li> </ul>



Duty to Cooperate body	Date	Key outcomes of meeting
		<ul style="list-style-type: none"> <li>• Clarification on HDC's response on Gypsies, Travellers and Travelling Showpeople.</li> <li>• Agreement that Hart will appear at the Local Plan examination (subject to the views of the Local Plan Inspector).</li> <li>• Agreement in principle to an updated SCG.</li> </ul>
Natural England	14 <sup>th</sup> October 2024	<ul style="list-style-type: none"> <li>• Update on the Surrey Heath Local Plan timetable.</li> <li>• Constructive discussion on the Natural England Pre-Submission representations as a result both authorities agree that: <ul style="list-style-type: none"> <li>○ there are no unresolved strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.</li> <li>○ Surrey Heath has complied with the legal duty to cooperate.</li> <li>○ Constructive joint working will continue on relevant strategic matters including the Thames Basin Heaths Special Protection Area</li> </ul> </li> <li>• Agreement in principle to the preparation of an update to the previously agreed Statement of Common Ground (SCG).</li> </ul>
Runnymede Borough Council	21 <sup>st</sup> October 2024	<ul style="list-style-type: none"> <li>• Update on the Surrey Heath Local Plan timetable;</li> <li>• Constructive discussion on the RBC Pre-Submission representations, which confirmed that planning permission was granted for the re-development of Sir William Siemens Square in August 2024 and that accordingly it was not considered that Gypsy and Traveller provision could be secured through the development.</li> <li>• As a result, both authorities agree that:</li> </ul>



Duty to Cooperate body	Date	Key outcomes of meeting
		<ul style="list-style-type: none"> <li>○ There are no unresolved cross boundary strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.</li> <li>○ Surrey Heath has complied with the legal duty to cooperate.</li> <li>○ Both authorities note the draft transitional arrangements and proposed uplifted housing need for SHBC.</li> <li>● Constructive joint working will continue on relevant cross boundary matters including the Thames Basin Heaths Special Protection Area and in progressing future Local Plans.</li> <li>● Agreement in principle to an updated SCG.</li> </ul>
Rushmoor Borough Council	5 <sup>th</sup> November 2024	<ul style="list-style-type: none"> <li>● Updates on the timetables of both the Surrey Heath and Rushmoor Local Plans.</li> <li>● Recognition of the significant uplift for both authorities under the proposed new standard method and the strategic implications of this.</li> <li>● Agreement that in light of the likely housing uplift, SANG capacity, and SPA mitigation mechanisms, will become even more of a critical cross boundary matter.</li> <li>● Agreement in principle to an updated SCG.</li> </ul>
Surrey County Council	15 <sup>th</sup> October 2024	<ul style="list-style-type: none"> <li>● Update on the SHLP timetable.</li> <li>● Constructive discussion on the SCC Pre-Submission representations and agreed proposed modifications as a result of those.</li> <li>● As a result, both authorities agree that: <ul style="list-style-type: none"> <li>○ there are no unresolved cross boundary strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.</li> </ul> </li> </ul>





Duty to Cooperate body	Date	Key outcomes of meeting
		<ul style="list-style-type: none"> <li>○ Surrey Heath has complied with the legal duty to cooperate.</li> <li>○ Both authorities note the draft transitional arrangements and proposed uplifted housing need for SHBC.</li> <li>○ Constructive joint working will continue on relevant cross boundary matters including the Thames Basin Heaths Special Protection Area and in progressing future Local Plans.</li> <li>● Update on Surrey Heath’s commissioning of update of the Strategic Flood Risk Assessment</li> <li>● Agreement in principle to the preparation of an update to the Pre-Submission Statement of Common Ground (SCG).</li> </ul>



## 9. Appendix 2: Gypsy and Traveller and Travelling Showpeople Portfolio Holder letters, July 2024

### Summary of Responses

Local Authority	Summary of Response
Bracknell Forest Borough Council	<p>Confirm that the Council has its own unmet need and are therefore not in a position to help. The matter has been discussed with council officers. Reference is also made to their letter of November 2023 responding to a previous request by SHBC as to whether any other local authority is able to help meet unmet gypsy or traveller or travelling showpeople needs.</p>
Guildford Borough Council	<p>Recognise that this is an important matter and the difficulties in finding suitable land. Recognise the efforts that SHBC has made in meeting needs albeit that this has yielded limited positive results and thus a somewhat concerning potential shortfall.</p> <p>Further to previous responses and officer meetings, confirm that GBC is unable to assist in meeting any potential unmet traveller accommodation needs. GBC's planned supply is required to meet its own needs.</p> <p>Confirm the commitment to continue duty to cooperate engagement moving forwards.</p>
Hart District Council	<p>Note that outcomes of previous duty to cooperate discussions are that Hart is delivering 41 homes per annum of unmet needs from Surrey Heath and Hart is sharing its SANG capacity with Surrey Heath.</p> <p>Confirm that Hart is not in a position to accept any unmet needs for Gypsies and Traveller pitches or Travelling Showpeople plots.</p> <p>Hart sets out that it currently has its own unmet needs for pitches and plots which will be addressed through the next local plan. Based on previous work it is anticipated that this will come with similar challenges to that faced by Surrey Heath. It is suggested that every local plan should meet its own needs otherwise adjoining areas will face double the challenge if meeting unmet needs from their neighbours. Hart would therefore urge Surrey Heath to address their own needs as part of the plan to avoid generating objections from surrounding authorities.</p>



Local Authority	Summary of Response
	<p>Hart note that the publication of a new NPPF may provide new opportunities for addressing Gypsy and Traveller and Travelling Showpeople needs in Surrey Heath.</p>
<p>Royal Borough of Windsor and Maidenhead</p>	<p>The Local Plan adopted in February 2022 does not include specific allocations to meet the needs of Gypsies, Travellers and Travelling Showpeople. This was to be addressed through a separate Traveller Local Plan. The GTAA shows a high need for Gypsies and Travellers and taking account of potential supply still leaves a net cultural need for 96 pitches, most of which is needed in the next 5 years.</p> <p>There is also a shortfall of 16 plots for travelling showpeople.</p> <p>RBWM therefore faces significant challenges in meeting its own needs in a highly constrained Borough and may not be able to meet those needs itself.</p> <p>Whilst acknowledging the amount of work that has been undertaken, confirm that RBWM is not in a position to accommodate any unmet needs arising from Surrey Heath.</p>
<p>Runnymede Borough Council</p>	<p>The adopted Runnymede 2030 Local Plan (2020) sets out a strategy to meet the Borough's Gypsy and Traveller needs in full but does not include any provision to meet unmet needs from other local authorities. Meeting needs has proved very challenging and the approach to meeting needs will be reviewed through the preparation of the next Local Plan.</p> <p>The Local Plan does not identify sufficient sites to meet their own needs for Travelling Showpeople and they will not be able to assist in meeting needs in other local authorities.</p> <p>Reiterating previous responses and officer discussions they confirm that RBC will be unable to meet any unmet needs for Gypsies, Travellers and Travelling Showpeople from Surrey Heath.</p> <p>In addition to the Local Plan position, this is also due to the constraints in the Borough along with the future anticipated needs in Runnymede based on the amended definition of Gypsies and Travellers for planning purposes.</p>
<p>Rushmoor Borough Council</p>	<p>Appreciate the detailed information provided and recognise the challenges faced in finding deliverable sites to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople. Also recognise that</p>



Local Authority	Summary of Response
	<p>there has been active and ongoing engagement between officers and a signed Statement of Common Ground.</p> <p>The Council has determined that a full review of the Rushmoor Local Plan, adopted 2019 is required. The new Local Plan will be prepared under the new plan-making system with work anticipated to start in Autumn 2024.</p> <p>The current Local Plan meets the identified needs for Travelling Showpeople. Rushmoor has no permanent or authorised or legal transit Gypsy and Traveller sites. Whilst a need for 1 pitch was identified from a bricks and mortar household it was not considered a pragmatic solution to provide one pitch in isolation. Previous Call for Sites exercises have not identified any land suitable for Gypsy, Travellers or Travelling Showpeople and the latest SHELAA does not contain any suitable sites.</p> <p>Whilst Rushmoor appreciate the difficulties faced, they confirm that they cannot meet any potential unmet needs for Gypsy, Traveller or Travelling Showpeople accommodation arising from Surrey Heath. Rushmoor are committed to continue to work together at officer and member level.</p>
Woking Borough Council	<p>The issue of gypsy and traveller sites has been an emotive issue in Woking over recent weeks following several traveller incursions as well as a live planning application in the east of the Borough. It is unlikely that Woking will have any additional capacity beyond the local authority's existing obligations.</p>

