



Submission Surrey Heath Local Plan
(2019 – 2038)

STATEMENT of COMMON
GROUND SCG012

with the Royal Borough of Windsor
and Maidenhead



December 2024

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I. Introduction

- I.1. This Statement of Common Ground (SCG) has been prepared jointly between **Surrey Heath Borough Council (SHBC)** and **Royal Borough of Windsor and Maidenhead (RBWM)**. It sets out the agreed position as at December 2024 in relation to a range of strategic planning matters. It has been prepared to support the Submission Surrey Heath Local Plan (2019 – 2038) (Local Plan) and has been agreed by both SHBC and RBWB and demonstrates ongoing co-operation between the two authorities in line with the requirements set out below.
- I.2. Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) and in accordance with paras. 24-27 of the National Planning Policy Framework (NPPF December 2023), it is a requirement under the duty to cooperate for a local planning authority to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other documents. This is a test that local authorities need to satisfy prior to the local plan examination stage and is an additional requirement to the test of soundness.
- I.3. The duty to cooperate applies to strategic cross boundary matters (those that might apply are set out in para. 20 of the NPPF). The statutory requirements of the duty to co-operate are a legal obligation although it is not a duty to agree. Co-operation should produce effective and deliverable policies on strategic cross boundary matters in accordance with national planning policy, as further explained in National Planning Practice Guidance (NPPG).
- I.4. The Council published a Duty to Cooperate Statement of Compliance, July 2024 alongside the Pre-Submission Surrey Heath Local Plan setting out how the duty had been met to date. An Update to this Duty to Cooperate Statement has been prepared for Submission of the Surrey Heath Local Plan setting out how the Council has continued to engage with relevant duty to cooperate bodies since July.
- I.5. SHBC intends to submit the Local Plan for Examination in line with the current Local Development Scheme, 2024. However, just prior to publication of the Pre-Submission Local Plan the Government published a number of proposed planning reforms and changes to the NPPF. Under the draft transitional arrangements, and having regard to the proposed submission in Winter 2024/25 it is expected that the Local Plan will be examined under the NPPF December 2023. For both local authorities proposed changes to the standard method would result in a significant increase in the housing need. This uplifted need will be considered through the preparation of future Local Plans.



2. Background

2.1. The Royal Borough of Windsor and Maidenhead adjoins the northern boundary of Surrey Heath. Like Surrey Heath it has significant areas designated as Green Belt and is also affected by the Thames Basin Heaths Special Protection Area. There are a range of potential strategic cross boundary matters that affect the two authorities. The Surrey Heath Duty to Cooperate Scoping Framework, 2020 identifies all strategic cross boundary matters, except flooding (Matter 6) and utilities (Matter 9), as being relevant.

- Matter 1: Meeting Housing Needs
- Matter 2: Gypsies and Travellers and Travelling Showpeople
- Matter 3: Economic Growth
- Matter 4: Thames Basin Heaths Special Protection Area
- Matter 5: Natural and Historic Environment and Green Belt
- Matter 7: Transport
- Matter 8: Social Infrastructure
- Matter 10: Climate Change

2.2. RBWM adopted the Borough Local Plan 2013 – 2033 in February 2022. RBWM is currently focused on progressing a suite of SPDs to support the adopted Local Plan. There is an intention to review Plan under new plan making system. Work has been started on a Traveller Local Plan, with Issues and Options consultation undertaken in 2019.



3. Cooperation to date

Record of engagement

- 3.1. Table 6 of the Council's Duty to Cooperate Compliance Statement, July 2024 sets out cooperation with each relevant duty to cooperate body during the Plan making process. In summary, engagement with RBWM has entailed:
- June 2018 - Consultation on the Surrey Heath Local Plan Issues and options
 - December 2020 - Letter to RBWM regarding potential unmet housing needs and the need for Suitable Alternative Greenspace (SANG) capacity
 - July 2021 - virtual officer meeting
 - October 2021 – Letter to RBWM regarding identified unmet general housing needs and unmet gypsy and traveller and travelling showpeople needs and whether RBWM is able to help meet those needs and RBWM response.
 - Spring and Summer 2022 – Draft Regulation 18 Local Plan consultations
 - Spring and Summer 2022 – RBWM responses to Draft Local Plan Regulation 18 consultation and Preferred Options Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople Reg18.
 - August 2022 – Letter to RBWM regarding meeting unmet Gypsy and Traveller and Travelling Showpeople Needs and RBWM response (September 2022).
 - September 2023 – Briefings attended by RBWM on the Strategic Highway Assessment Report (SHAR) and Gypsy and Traveller and Travelling Showpeople needs.
 - September 2023 – draft Strategic Highway Assessment Report sent to RBWM for comment.
 - October 2023 - Letter sent to RBWM regarding unmet Gypsy and Traveller and Travelling Showpeople Needs and RBWM response
 - June 2024 – Virtual officer meeting
 - July 2024 – Letter from SHBC Portfolio Holder to RBWM Portfolio holder regarding help with unmet Gypsy and Traveller and Travelling Showpeople Needs
 - August 2024 - RBWM response to July Portfolio letter
 - August 2024 – Publication of the Surrey Heath Pre-Submission Local Plan
 - September 2024 – RBWM response to the Pre-Submission Local Plan
 - November 2024 – agreement to this Statement of Common Ground



- 3.2. In addition to the above, RBWM is part of the Thames Basin Heaths Joint Partnership Board.

Regulation 18 Representations

- 3.3. RBWM responded to the Draft Surrey Heath Local Plan Regulation 18 and to the Gypsy and Traveller Additional Site Allocations consultations in 2022. Fuller summaries of the representations along with SHBC's response can be found in Appendices 4 and 5 to the Consultation Statement, July 2024.
- 3.4. Key cross boundary matters raised by RBWM were:

Draft Surrey Heath Local Plan (2019 – 2038)

- RBWM support for the spatial strategy including preservation of a Green Belt on the border of the two authorities
- Supportive of the intention of Housing Market Area partners to work together to meet housing needs.
- References of a handful of sites allocations which could potentially impact traffic volumes in RBWM and note SHBC's intention to update the Transport Assessment. Furthermore strongly advise that Air Quality and Traffic modelling be carried out, to assess the impact of any development within the Draft SHLP on European protected heathlands.
- Welcome SHBC's intention to meet employment land use needs within the borough.

Gypsy and Traveller Additional Site Allocations

- Welcome the Council's efforts to provide sites for Gypsies and Travellers and encourage SHBC to meet own needs within borough as RBWB is not in a position to support unmet needs.
- 3.5. With regards to meeting the needs of Gypsies and Travellers and Travelling Showpeople, SHBC has set out through letters, duty to cooperate meetings and briefings, the challenges in finding sufficient sites to meet identified needs. This has included approaching neighbouring authorities on a number of occasions to see if they could help provide for any unmet needs and most recently in July 2024. In response to such requests RBWM has confirmed that it is not in a position to accommodate any potential unmet needs arising from Surrey Heath.



- 3.6. In the absence of sufficient identified sites to meet needs, the Council has amended a number of Policies including Policy H9 and H11 Gypsies and Travellers and Travelling Showpeople to provide a more permissive approach that encourages unallocated sites to come forward to meet future needs. This was set out in a briefing to neighbouring local authorities as referenced in paragraph 3.1 above.
- 3.7. As noted in the Outcomes of the June 2024 officer meeting below, RBWM has welcomed this approach whilst noting there remains an unmet need.
- 3.8. In June 2024 a virtual officer meeting was held to discuss the representations made by RBWM on the Draft Local Plan and the emerging Pre-Submission Local Plan. The outcomes of this meeting summarise the agreed position on strategic cross boundary planning matters prior to pre-submission.

Outcomes - SHBC and RBWM virtual officer meeting 11 June 2024

- SHBC updated RBWM on their Local Development Scheme, with the planned publication of pre-submission Plan in August 2024.
- RBWM highlighted that the authority is currently focused on producing SPDs to support recently adopted Local Plan.
- In relation to the forthcoming publication of the Surrey Heath Local Plan Pre-submission version, it was noted that:
 - ◆ no unmet needs for housing supply in Surrey Heath, as shortfall has been agreed to be addressed via agreement with Hart DC.
 - ◆ no request from SHBC for RBWM to support Surrey Heath in supply of employment floorspace, as residual forecast need for industrial and logistics floorspace is relatively modest and residual forecast need for office floorspace is not considered to be representative of actual market demand.
 - ◆ no request from SHBC for SANG capacity to be provided by RBWM.
 - ◆ Gypsy and Traveller needs are to be supported through limited site allocations and a more flexible policy approach in SH Local Plan. Whilst it is recognised that there are unmet needs, the flexible Policy approach explained in the Gypsy and Traveller and Travelling Showpeople briefing is welcomed
 - ◆ Transport Assessment concluded that there are no significant adverse effects on the highways network in Windsor and Maidenhead, arising from Surrey Heath site allocations.
 - ◆ Habitat Regulations Assessment including Appropriate Assessment, concluded no adverse impact on the Thames Basin Heaths SPA.



- ◆ SHBC and RBWM agreed that at the current time there are no outstanding cross boundary issues that would affect the SHLP, with the exception of meeting needs for Gypsy and Travellers.
- ◆ A Statement of Common Ground will be drafted later in 2024 [this document], prior to SHBC's submission of the Plan to the Inspector.



4. Pre-Submission Surrey Heath Local Plan Representations

- 4.1. A summary of the representations made by RBWM to the Pre-Submission Local Plan and SHBC's response is set out in Table 1 below.

Table 1: RBWM Summary of Pre-Submission Responses

Local Plan Policy/Paragraph	RBWM Comments	Surrey Heath Borough Council Response
SSI Spatial Strategy	Welcome the intention to focus new development within the settlement areas to the West of the Borough and optimise delivery in the most sustainable and accessible areas.	Comments noted.
SSI Employment Needs	Welcomes the allocation of sites to meet full employment needs. Welcomes the findings of the evidence base work on highways infrastructure and on the air quality and traffic modelling work that has been carried out.	Comments noted.
2.17	Note that para 2.17 states that housing needs can be met from sources other than the Green Belt and that no exceptional circumstances exist for Green Belt release but note that the Exceptional Circumstances topic paper proposes three Green Belt amendments. The suggested amendments do not seem to have a detrimental impact on the Strategic Area Green Belt buffer between the two boroughs so have no objections.	Note no objection to the proposed Green Belt amendments.
Housing Supply	Pleased to see 7.24 years of housing supply and welcome the continued intention to ensure that any housing shortfall will be addressed in the Housing Market Area.	Comments noted.



Local Plan Policy/Paragraph	RBWM Comments	Surrey Heath Borough Council Response
SS3b Climate Change Mitigation	Welcomes Policy SS3b in helping to deliver action on climate change and reduction in Surrey Heaths carbon emissions and supporting the transition to net zero.	Comments noted.
SS3a Climate Change Adaptation	Welcomes Policy SS3a in helping to deliver action on climate change and reduction in Surrey Heaths carbon emissions and supporting the transition to net zero. In particular the requirement that all major applications should deliver net zero carbon unless not feasible/viable with the shortfall addressed via off site measures or a carbon offset payment which is similar to an approach that RBWM are taking.	Comments noted.
Transport – highway impacts	Note that the proposed allocation sites are mostly located some distance from the boundary with RBWM and therefore are not likely to have significant impacts on the Royal Borough in terms of traffic and infrastructure. Welcomes the findings of the Strategic Highway Assessment 2024 and welcome continued discussion regarding strategic transport and infrastructure issues as well as ongoing discussions across the surrounding area.	Comments noted.
EI Thames Basin Heath Special Protection Area	Note and support Policy EI.	Support noted.



Local Plan Policy/Paragraph	RBWM Comments	Surrey Heath Borough Council Response
E3 Biodiversity Net Gain	Support the requirement for development proposals to demonstrate BNG gains of at least 20%. This has shown to be necessary and deliverable in Surrey Heath by the Surrey Nature Partnership Report and the Local Plan Viability Assessment.	Support noted.
E5 Renewable and Low carbon Energy and Heating Schemes	Welcomes Policy E5 in helping to deliver action on climate change and reduction in Surrey Heaths carbon emissions and supporting the transition to net zero.	Comments noted.
DH4 Sustainable Water Use	Welcomes Policy DH4 in helping to deliver action on climate change and reduction in Surrey Heaths carbon emissions and supporting the transition to net zero.	Comments noted.
DH8 Building Emission Standards	Welcomes Policy DH8 in helping to deliver action on climate change and reduction in Surrey Heaths carbon emissions and supporting the transition to net zero.	Comments noted.
SANG Capacity	Welcomes confirmation that SANG capacity has been secured in Surrey Heath for the Plan period.	Comments noted.



Local Plan Policy/Paragraph	RBWM Comments	Surrey Heath Borough Council Response
HRA	Welcome the findings of the HRA and confirmation that likely significant effects of the SHLP on the Windsor Forest and Great Park SAC regarding atmospheric pollution can be excluded, both alone and in combination and that there will be no adverse effects on the Thames Basin Heaths SPD with regards to recreational pressure. Welcome confirmation that the SHLP will not interfere with the ability of Thames Basin Heaths SPA to achieve its Conservation Objective air quality targets and that there will be no adverse effects on the Thames Basin Heaths SPA regarding atmospheric pollution, both alone and in combination.	Comments noted.



5. Outcomes

5.1. Both authorities agree that:


- there are no unresolved cross boundary strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.
- Surrey Heath has complied with the legal duty to cooperate.
- RBWM 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.
- Constructive joint working will continue on relevant cross boundary matters including the Thames Basin Heaths Special Protection Area and in progressing future Local Plans.

And both authorities note:

- the Government’s proposed transitional arrangements set out in the draft NPPF, 2024 and proposed uplifted housing need.



Signatories

Royal Borough of Windsor and Maidenhead	
Name	Adrien Waite
Position	Assistant Director of Planning
Date Agreed	29.11.2024
Signature	

Surrey Heath Borough Council	
Name	Gavin Chinniah
Position	Head of Planning, Housing, Corporate Enforcement and Parking (interim)
Date Agreed	04.12.2024
Signature	