

Annex 2

Memorandum of Understanding ('the Memorandum')

1. Introduction

Surrey Leaders have agreed to meet for the purposes set out in the Terms of Reference for the Surrey Strategic Planning and Infrastructure Partnership dated [].

This Memorandum sets out the basis on which Surrey Leaders have agreed to work together for those purposes, and in particular to help meet the requirements of the Duty to Cooperate through a programme of work undertaken irrespective of plan making timetables at individual authorities.

Under section 33A of the Act (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage, and is an additional requirement to the test of soundness. The Duty to Cooperate applies to strategic planning issues of cross boundary significance. The Districts and Boroughs within Surrey are currently all at various stages of Local Plan preparation. However, they all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG) "*local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.*" The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.

2. Working in partnership

The Memorandum sets out a framework for joint working between the local authorities which are represented by the Leaders of each authority who have each signed it ('the Signatories'). It sets out where cooperation will take place and identifies key outcomes. The Memorandum will be reviewed regularly to ensure it is compliant with the statutory duty and the NPPF, and is otherwise fit for purpose and up to date.

It is essential that in producing evidence and seeking to deliver outcomes Districts and Boroughs work together in an effective way. It is particularly essential that when evidence on a cross boundary basis is required by an individual District/Borough (or grouping) other Districts and Boroughs will respond positively and in a timely manner. Periodically the Signatories may agree to action to be taken to a common timeframe. The Signatories will cooperate on the basis that amended evidence bases do not invalidate existing tested plans (see NPPG paragraph 30 ref ID 3-030-20140306). Whilst this applies to housing need assessments and 5-year housing

supplies it is considered that this is the main area where there is a real potential for shifts in the evidence base.

3. Evidence Base

The local authorities in Surrey have identified key strategic areas of evidence gathering and technical work that require joint working and could be subject to separate arrangements for combined working/commission. This evidence base will be set on an agreed common methodology. This includes:

- Identification of all housing need¹, including agreement on Housing Market Areas and agreement to prepare an up to date Strategic Housing Market Assessment.
- Economy and employment needs and opportunities
- Strategic infrastructure with strong links to work with Enterprise M3 LEP and Coast to Capital LEP on their strategic economic plans and funding bids/programmes
- Development of strategic growth options across the County (principally housing integrated with jobs and required infrastructure/services)
- Constraints such as, Areas of Outstanding Natural Beauty(AONB), Special Protection Areas and Special Areas of Conservation and flooding.
- Green Belt designation

As a matter of principle before undertaking any technical studies the Districts and Boroughs will explore with other authorities where there is scope for joint studies using a common methodology.

4. Housing Market Areas

Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. Consequently, it is critical at Local Plan Examinations to ensure that local authorities are exploring all possible means to meet the objectively assessed housing need in their housing market area. Paragraph 47 of NPPF is very clear that 'local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this framework...'. District and Boroughs are already co-operating on work in this regard and will continue to make that commitment.

There are already several Strategic Housing Market area Assessments (SHMAs) underway or completed. These would form a good basis to understand the degree of consensus from a technical point of view of Housing Market Areas (HMAs) in the County and adjoining authorities. This exercise should be completed in late 2014 once all districts and boroughs have an up to date SHMA.

5. Infrastructure

It is considered that this should be split between strategic infrastructure identified at a LEP level and local infrastructure that each authority will continue to pursue working in partnership as appropriate. The sound work done to date by Surrey

Future is key and it is valuable that work has been done to map infrastructure in Surrey and collaborate with the LEPs on bidding for funding. For credibility and collaboration this will need to connect closely with existing local plans and infrastructure delivery plans. The local authorities will continue to co-operate and work in partnership on infrastructure primarily through Surrey Future.

6. Other strategic issues

The local authorities and other partners have acknowledged that there are other strategic matters that they could work in partnership to address. Paragraph 178 of the NPPF stresses that public bodies have a duty to cooperate on planning issues that cross administrative boundaries such as

- provision of retail, leisure and other commercial uses;
- the provision of health, security, community, water supply, waste management and cultural infrastructure;
- the provision of minerals and energy
- climate change mitigation and adaptation; and
- green infrastructure

Where relevant, the local authorities will work together to address these matters if it is considered beneficial to do so.

7. Working arrangements

The work set out in this Memorandum will be led on a day to day basis by the lead planning officer for each of the local authorities in Surrey through the Surrey Planning Officers Association (SPOA). SPOA will meet monthly and will liaise with the Surrey economic development officers and Planning Working Group as necessary. Work will be commissioned, where appropriate, singly, jointly or severally by the local authorities which are represented by the signatories to this Memorandum though the appropriate procurement processes of the lead authority and arrangements to finance any work commissioned will be made through a separate agreement.

SPOA will report, through the Chair, to the Surrey Chief Executives and thereafter to the Joint Leaders Board. This governance structure will be formalised and protocols put in place for reporting and for administration.

8. Limitations

The purpose of the Memorandum is to facilitate joint working of the local authorities which are represented by the Signatories as set out in the Terms of Reference. The Memorandum does not seek to restrict or fetter the discretion of any of the authorities in the exercise of its statutory functions and powers, or in its response to consultation or determining planning applications.

Signatories

Leaders

Elmbridge

Epsom and Ewell

Guildford

Mole Valley

Reigate and Banstead

Runnymede

Spelthorne

Surrey County Council

Surrey Heath

Tandridge

Waverley

Woking