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To: MEMBERS OF THE PLANNING POLICY COMMITTEE  
Councillors Sayer (Chair), Farr (Vice-Chair), Black,  
Blackwell, Botten, Dennis, Duck, Jones, Lockwood, Prew  
and Steeds

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Substitute Councillors: Caulcott, Crane and Elias

C.C. All Other Members of the Council

12 January 2022

Dear Sir/Madam

**PLANNING POLICY COMMITTEE**  
**THURSDAY, 20TH JANUARY, 2022 AT 7.30 PM**

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,

David Ford  
**Chief Executive**

## AGENDA

1. **Apologies for absence (if any)**
2. **Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

3. **Minutes of the meeting held on the 5th January 2022** (Pages 3 - 6)  
To confirm as a correct record
4. **To deal with any questions submitted under Standing Order 30**

5. **Planning Policy Committee - 22/23 draft budget and Medium Term Financial Strategy** (Pages 7 - 20)
6. **Local Plan progress options: Inspector response - ID16 and ID19** (Pages 21 - 90)
7. **Revised response to Mid Sussex District Council's consultation on modifications to its Site Allocations Development Plan Document** (Pages 91 - 96)
8. **Any other business which, in the opinion of the Chair, should be considered as a matter of urgency**

## TANDRIDGE DISTRICT COUNCIL

### PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 5<sup>th</sup> January 2022 at 7.30pm .

**PRESENT:** Councillors Sayer (Chair), Farr (Vice-Chair), Black, Blackwell, Botten, Dennis\*, Duck, Elias (substitute), Jones, Lockwood and Steeds

**ALSO PRESENT:** Councillors Caulcott\*, Crane, Allen\*, Bloore\*, Connolly\*, Cooper\*, Gaffney\*, Gillman, Moore, N.White, Prew\*, Pursehouse, Ridge, Swann\*, C.White\* and Wren

\* These Councillors joined the meeting via Zoom. Councillor Dennis was therefore unable to vote and Councillor Elias acted as substitute for Councillor Prew in the Chamber.

#### **217. MINUTES OF THE MEETING HELD ON THE 25TH NOVEMBER 2021**

These were confirmed and signed as a correct record.

#### **218. LOCAL PLAN PROGRESS OPTIONS: INSPECTOR RESPONSE - ID16 AND ID19**

Upon examining the draft Local Plan, the Planning Inspector had issued correspondence to the Council (ID16 and ID19) which, among other things, sought a decision about how it wished to proceed. Until now, the Council's ability to respond had been hindered by a lack of information and understanding regarding the capacity of Junction 6 of the M25. That information was now available in the form of findings of the capacity study undertaken by DHA Transport.

A report was submitted with DHA's findings and responses from the statutory highway authorities (i.e. National Highways and Surrey County Council). The DHA study had concluded that:

- (i) *all of the J6 improvement works shown on DHA Transport drawing A-1523-H-01 rev P3 would fully mitigate the impact of Local Plan growth to 2035, in accordance with the requirements of the National Planning Policy Framework; Surrey Highways make clear ... that they consider the scheme (excluding the east-bound M25 off-slip which is dealt with below) should be delivered by 2030 to ensure a sufficiently long interval prior to the delivery of any further scheme for the benefit of cost effectiveness and to limit disruptions to the network*
- (ii) *the eastbound M25 off-slip would require upgrading to accommodate forecast traffic volumes by 2030, regardless of the Local Plan, to avoid unacceptable highway safety implications for users of the M25; the aim should be to try to achieve this upgrade, which will require acquisition of third party land, by 2027; no costings are yet available for these works, the need for which has been identified late in the study*

- (iii) *with respect to the other M25 merges and diverges, the westbound off-slip, westbound on-slip and eastbound on-slip are of a suitable standard to accommodate Local Plan growth to 2035 in their existing configurations*
- (iv) *the estimated cost of the improvement works (excluding the eastbound M25 off-slip upgrade) would be an estimated outturn cost of £5,009,900 (exclusive of VAT); no sources of funding for these works has yet been identified but, contrary to what is stated in National Highways e-mail of 20 December 2021, the Council has made its own response to the Department of Transport with respect to its Route Investment Strategies consultation.*

Paul Lulham of DHA Transport attended the meeting (via Zoom) and responded to Members' questions, including clarification that there were two aspects of the mitigation required, i.e.:

- the roundabout itself and the immediate approaches, all achievable within the circa £5m cost estimate referred in (iv) above with no private land acquisition required (the extra land needed was already in the public realm, i.e. highway land); and
- the additional element that had come to light within the last three months, namely the need to upgrade the eastbound off slip referred to in (ii) above – DHA's assessment work had identified that the capacity of the slip road would fall short of National Highways' safety standards by 2030 and would require an auxiliary lane to be provided along the M25 on the approach to the junction. He advised that the parties to the study were content, in principle, that this upgrade was deliverable by 2030. He further advised that 2027 is likely to be when numbers of vehicle movements become of material concern to National Highways and that was the earliest date by which, ideally, mitigation would be required.

He considered that the retained walking and cycling routes should remain suitable for current use and that the mitigation measures would have a negligible impact upon traffic speeds and would benefit the emergency services compared to a 'do nothing' scenario. He also advised that the issue of contributions via commuted sums (i.e. from developers) towards the cost of the mitigations had not been discussed with the highway authorities to date.

Various issues were discussed during the debate, including:

- the risk of DHA's £5m cost estimate referred in (iv) being insufficient
- the fact that costings had not been identified for upgrading the eastbound off slip and associated land acquisitions
- potential funding sources for the mitigation measures
- the need to lobby central government for support to address the highway infrastructure issues
- the question of whether or not Community Infrastructure Levy funding could be utilised for Junction 6 improvements
- the impact of potential housing growth on other local roads and the need to upgrade the A22 and the A264 Felbridge junction as well.

A range of views were expressed regarding the Local Plan process to date and the current challenges that needed to be overcome. It was acknowledged that Junction 6 was already operating at 'over-capacity' and would require upgrading, regardless of the impact of future housing growth via the Local Plan etc. It was therefore argued that a District Council such as Tandridge should not be expected to resolve the issue given that, in the absence of the Local Plan process, it would have no direct involvement. However, it was also considered that the Council was obliged to do all it reasonably could to ensure that a Local Plan was in place to control future housing development and to work with relevant agencies to enable the necessary infrastructure provisions / improvements.

The proposal to send an interim letter to the Planning Inspector (as recommended within the report, subject to minor amendments) was approved. It was also agreed that the Council's response to the National Highways Route Investment Strategies consultation would accompany the traffic modelling analysis to be sent with the letter.

**RESOLVED** – that the draft letter from the Chief Executive to the Inspector, as attached at **Appendix A** to these minutes, be sent and that further consideration of how to progress with the Local Plan and respond to the Inspector's correspondence in ID16 and ID 19 be deferred until the Committee's next meeting on 20th January 2022.

## **219. RESPONSE TO MID SUSSEX DISTRICT COUNCIL'S CONSULTATION ON MODIFICATIONS TO ITS SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**

The Chair wished this matter to be dealt with as urgent business (item 6 of the agenda) to enable the Committee to review the draft consultation response prior to the submission deadline of 24<sup>th</sup> January.

A report had therefore been circulated on the 4<sup>th</sup> January. This explained that Mid Sussex District Council's (MSDC) Site Allocations Development Plan Document (Sites DPD) sought to identify sufficient housing sites to provide a five-year housing land supply to 2031. MSDC was consulting on proposed main modifications to the Sites DPD and a recommended response was attached to the report.

Councillor Steeds, seconded by Councillor Farr, proposed an amendment that, "*the draft response at Appendix A to the report be not supported and, instead, an alternative response be drawn up by local Members and Officers for consideration at the Committee's next meeting on 20<sup>th</sup> January 2022*". Upon moving this amendment, Councillor Steeds explained why, in her opinion, a more robust response should be made given the potentially adverse impact of the Mid Sussex Local Plan policies SA19 and 20 upon Felbridge and local roads. The amendment was discussed and agreed.

**RESOLVED** – that the draft response at Appendix A to the report be not supported and, instead, an alternative response be drawn up by local Members and Officers for consideration at the Committee's next meeting on 20<sup>th</sup> January 2022.

Rising 9.27 pm

Date: 6 January 2022

Dear Inspector,

**Tandridge District Council: Local Plan – Update on the Council's Progress in Addressing Matters Raised in Your Responses ID16 and ID19**

You will be aware that the Council has employed highway consultants to undertake a study of the capacity of J6 of M25. The study ran into an unexpected difficulty and the outcome was delayed. The study has just been completed, including sharing the results with National Highways and Surrey County Council Highways as key stakeholders and getting their inputs to the conclusions. An agreed position has now been reached between all parties which will be incorporated in a Statement of Common Ground.

This study is of such importance to the Local Plan that I want to enable the Council's Planning Policy Committee to understand its implications before making a further response on your ID16 and ID19. A special meeting of the Planning Policy Committee was arranged for the 5<sup>th</sup> January 2022. Following this meeting, the Planning Policy Committee, on 20<sup>th</sup> January 2022, will be asked to decide on a formal response to your ID16 and ID19.

I thought that it would be helpful to set out the current position on this matter and the proposed timescale for bringing these matters to a conclusion.

If you have any further questions or queries at this stage, please do not hesitate to contact me.

In the meantime, I have attached the traffic modelling analysis which was shared with the Planning Policy Committee on the 5<sup>th</sup> January.

Yours sincerely,

David Ford  
Chief Executive

## **PLANNING POLICY COMMITTEE 2022/23 DRAFT BUDGET and MEDIUM-TERM FINANCIAL STRATEGY (MTFS)**

### **Planning Policy Committee – 20<sup>th</sup> January 2022**

Report of:                   Cliff Thurlow – Interim Executive Head of Planning  
                                  Kathryn Scott – Finance Business Partner

Purpose:                     To propose the 2022/23 draft Planning Policy Budget to Council

Publication status: Unrestricted

Wards affected:       All

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#### **Executive summary:**

The purpose of this report is to present the Draft Budget for 2022/23 and Medium-Term Financial Strategy (MTFS), including the Capital Programme, for this committee.

Members are requested to agree the recommendations below. These recommendations will be consolidated into the overall position, which will form part of the Council-wide budget setting process (to be ratified by Full Council on 10<sup>th</sup> February 2022).

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**This report supports the Council's priority of:** Building a better Council / Creating the homes, infrastructure and environment we need / Supporting economic recovery in Tandridge / Becoming a greener, more sustainable District.

**Contact officer**     Kathryn Scott – Finance Business Partner  
[kscott@tandridge.gov.uk](mailto:kscott@tandridge.gov.uk)

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#### **Recommendations to Committee:**

##### **CHANGE TO THE TERMS OF REFERENCE**

This recommendation transfers the responsibility for the Community Infrastructure Levy from Strategy & Resources to Planning Policy Committee (to be ratified by Full Council on 10<sup>th</sup> February 2022). This will ensure that responsibility for all aspects of the Community Infrastructure Levy (CIL) regime, including budget setting, falls within the remit of one single committee, and recommends that:

- A) **The committee proposes to Council that, subject to the additional underlined wording, the following clauses regarding CIL be transferred from the Strategy & Resources to the Planning Policy Committee's terms of reference and powers 'to resolve':**
- the determination of CIL allocation criteria and applications for CIL funding
  - the setting of CIL budgets and the monitoring of CIL income, expenditure and disbursements to Parish Councils
  - the power to resolve:
    - revisions to CIL allocation criteria; and
    - CIL allocations upon consideration of applications and associated representations.

## **PLANNING POLICY BUDGET**

The approved Planning Policy budget will form part of the Council-wide budget setting process (to be ratified by Full Council on 10<sup>th</sup> February 2022). This report focusses on the budgets for Planning Policy Committee, and recommends that the Committee:

- B) **Agree the Planning Policy Committee – Planning Policy Draft Revenue Budget for 2022/23 of £1.19m**, taking account of pressures allocated as part of **Tranche 1**. Refer to **Appendix A**.
- C) **Agree the Planning Policy Committee's Community Infrastructure Levy Final Capital Programme** for 2022/23 being the sum of £1.7m for 2022/23, as shown in **Appendix C**
- D) **Note** that due to timing and capacity constraints across the Council, **c£0.4m of pressures** could not be allocated in time for January and February committee cycle, as such they will be allocated in three tranches (refer para 1.4):
- a. **Tranche 1** - which are directly attributable to the committee have been allocated as per **Appendix A**. **For Planning Policy there are only directly attributable pressures, no savings have been applied;**
  - b. **Tranche 2** - will be brought to the March committee cycle for approval. **The only element of Tranche 2 savings applicable to Planning Policy will be increments directly relating to Planning staff adjusted for any share of Planning staff T&C's/pay review savings;**
  - c. **Tranche 3** – which are savings be applied as part of the June committee cycle, however **this will not be attributed to Planning Policy.**
- E) **Note the Subjective Revenue Budgets in Appendix B**, noting movements from 2020/21 to 2022/23 and an estimated movement to 2023/24.



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## **Reason for recommendation:**

Section 151 of the Local Government Act 1972 requires all Councils in England and Wales to make arrangements for the proper administration of their financial affairs. It is a legal obligation that the Council sets a balanced budget for 2022/23. If the Council is unable to set a balanced budget, the Council will either have to draw down on its reserves which are already below the level considered prudent or it will have to make tough choices about service delivery.

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### **1. Responsibility and Terms of Reference**

- 1.1. The Community Infrastructure Levy (CIL, "the levy") is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. Some developments may be eligible for relief or exemption from the levy. This includes residential annexes and extensions, and houses and flats which are built by 'self-builders'. There are strict criteria that must be met, and procedures that must be followed, to obtain the relief or exemption.
- 1.2. CIL matters came under the remit of Planning Policy until 2018/19 when a separate CIL Committee was established. It changed with effect from the start of 2019/20 when the CIL Committee was abolished and, as agreed at the Annual Council meeting on 21<sup>st</sup> May 2019, CIL was transferred to Strategy & Resources Committee. Approval of fees and charges and budget monitoring were unchanged and remained within the Planning Policy Committee decision making as opposed to being transferred to Strategy & Resources.
- 1.3. As the levy is dependent on Planning Policy, especially where new developments can occur and having knowledge of planning technical information, it would be clearer and more expedient to have the remit within one single committee. Hence the recommendation to transfer the responsibility from Strategy & Resources to Planning Policy Committee.  
**(Recommendation A)**

### **2. Introduction and background**

- 2.1. COVID-19 has exacerbated what have been two particularly challenging financial years. This has only served to confirm our requirement to re-build our Reserves, in order to create financial resilience and support the recovery from previous budget deficits.
- 2.2. The following section recaps the journey from the setting of the 2021/22 budget to the present day, as context for the Council's current financial position and proposed 2022/23 budget:

- In February 2021, the Council approved a balanced budget for 2021/22, aiming also to replenish depleted reserves.
  - By May 2021, when the 2020/21 outturn should have been reported, it was found that due to past decisions and unusual budget practices, the budgets for 2020/21 and 2021/22 included a recurring budget mistake of c£920k.
  - In June 2021, Grant Thornton (GT) was commissioned to conduct a Fact Finding and Forensic Review to confirm that the c£920k was an actual budget gap, which they did, and also confirmed that it was a base budget (i.e. ongoing) issue.
  - The GT report was presented to Strategy & Resources on 14 September 2021 and Audit & Scrutiny 30 September 2021.
  - Confidence in the Council's finances was eroded as a result, with a genuine risk that the ongoing budget position was unsustainable.
  - The Council required urgent assurance that the base position was sound, following correction of the budget error.
  - The GT report, and subsequent work, provides the Council with confidence that the proposed budget for 2022/23 is sound, and built on solid foundations on which to build the Tandridge Finance Transformation Programme (TFT)
  - In addition to the GT review, and acceptance of their 15 recommendations, the Council commissioned:
    - An independent, fundamental root and branch review of the Council's finances; and
    - A line-by-line budget review of 2021/22.
  - In order to provide confidence to set a draft budget for 2022/23, the results of these two reviews have been presented to Members; providing assurance that the Balance sheet and 2020/21 outturn have been independently assessed and 2021/22 budget reviewed in forensic detail to find no further significant issues.
  - To complete the rebuild of the Council's budget, in December 2021 the 2020/21 Outturn was reported to Strategy & Resources along with the Draft Budget for 2022/23. The approved outturn has subsequently been provided to our External Auditors (Deloitte) to continue their work on finalising the 2020/21 Accounts.
- 2.3. Against this backdrop, the budget setting process for 2022/23 has been extremely challenging. Concluding the process with a sound and balanced budget has been made possible with independent advice and support from GT, Laura Rowley and IMPOWER. The challenges outlined above had a severe impact on the time and resources available to set the 2022/23 budget, which took place in very compressed timelines, whilst Finance was also transitioning to a new Target Operating Model. Arriving at a position which allows the Council to set a balanced budget is a major achievement and testament to the combined hard work of Members and officers.

- 2.4. Given the current capacity constraints in Finance and across the Council however, we have taken a pragmatic approach to the distribution of pressures and savings in order to ensure a balanced position is achieved for 2022/23 and presented in this report. For the purposes of budget setting, pressures and savings are generic terms used to identify changes (increases or decreases) to budgeted income and expenditure. For example; pressures could include costs due to contract inflation or increases in demand for services. Savings could include optimising existing sources of income or delivering services in an improved/more efficient way to provide better value for money. Refer to the Glossary of Terms in **Appendix A**
- 2.5. We will be distributing pressures and savings in three tranches (only two of which are relevant for this Committee):
- **Tranche 1** – pressures are set out in **Appendix A**. These are the pressures which were straightforward and simple to allocate.
  - **Tranche 2** – will require a bit more time to allocate correctly to each committee and include **£367k of pressures** comprising £193k of staffing increments, and £174k of contract inflation. These are currently being worked through and will be brought to the next committee cycle in March for approval. In the intervening period they will be held in Corporate Items. **Note that for Planning Policy Committee the only applicable savings from Tranche 2 will be staffing increments which relate directly to Planning staff adjusted for any Planning staff T&C's/pay review savings.**
  - **Tranche 3** – are cross-cutting savings not currently allocated will be distributed in June, **however none apply to the Planning Policy Committee.**
- 2.6. As part of the budget setting process for 2022/23 there were a number of indicative pressures identified for 2023/24. They have been identified in **Appendix A** and will be reviewed and updated as part of next year's budget setting process.
- 2.7. **The final budget for 2022/23 no longer anticipates the use of reserves to balance, with the anticipated pooling gain and additional funding allocated through the settlement closing the remaining gap.** This will leave reserves at a legally acceptable level for now, but one which would require improvement through building in the next financial year. In future years, subsequent budgets and the financial strategy will target the replenishment of reserves, increasing them to a level to create resilience against medium-term risk.
- 2.8. The process followed to date has been well scrutinised and good progress has been made. Internal workshops have been held with Finance, Senior Leadership Teams and Members to allow discussions on both pressures and savings. Identified in this report are the committee's pressures.

- 2.9. Still, the COVID-19 pandemic will continue to create uncertainty into the 2022/23 financial year and possibly further into the medium-term. The Council has been integral in the response to support residents and will continue to do all it can and as long as it is required. This is not however without its risks and financial challenges.
- 2.10. The draft version of the Budget and MTFS was taken to Strategy & Resources Committee on 2 December 2021 detailing a budget gap for 2022/23 of c£0.3m. Further to the provisional settlement received on 16<sup>th</sup> December, **we have now proposed a balanced budget**. The consolidated and overall position for the Council will be reflected in the Final 2022/23 Budget Report and MTFS and will be presented for approval by Full Council on 10<sup>th</sup> February.

### **3. Planning Policy Committee**

- 3.1. The Planning function is a key statutory service within Tandridge. The Planning Policy Committee is responsible for influencing and controlling development throughout the district in its role as Planning Authority. This includes:
- The preparation, adoption and review of all development plans;
  - Administration of Building Control regulations;
  - Collection, distribution, and monitoring of CIL and setting out the levy rates; and
  - All transport related issues.
- 3.2. Progress on the Local Plan has been delayed. Work continues both enabling the inspector to form his conclusions on the plan as well as associated policies and strategies. The funding for the additional work required on the plan will be financed from funds carried forward from the previous year.
- 3.3. The preapplication service has restarted having been suspended for several months. This will bring in additional income but there is expected to be a small residual pressure against the 2022/23 budget.
- 3.4. Land Charges has now moved back into the Planning Policy Committee. This service is undergoing a digital transformation which is being funded from a Government Grant.
- 3.5. For 2022/23 because of the Development Management Transformation programme and work to progress the Local Plan, **the Committee has not been required to identify savings to close the budget gap**.

#### **4. Revenue Budget**

- 4.1. The **revenue budget for Planning Policy totals £1.2m. Appendix B** details the subjective budgets from 2020/21 outturn to Estimated Budget 2023/24.
- 4.2. The revenue budget proposals have been prepared on the basis that all existing services to residents are maintained.
- 4.3. **Tranche 1 Financial pressures (totalling net £5k)** have been included and summarised as follows:
- **Service Demands of £40k:** Allowance for Planning Appeals – The Council is making a specific allowance in the budget to fund the expected cost of planning appeals. Previously these costs had been absorbed into the service budget.
  - **Fees and Charges of net (£35k):**
    - Risk on pre-planning income £15k – the pre application service was withdrawn in 2020/21 and is currently being reinstated - the expectation is that the income from the service will recover to pre Covid 19 levels with a residual pressure in 2022/23
    - Offset by an increase in planning fee income of £50k – **an increase already being achieved in 2021/22** which is expected to continue into 2022/23.
- 4.4. The remaining tranche of pressures will be distributed as set out in para 2.4 above.
- 4.5. **Appendix A** is an extract from the MTFs for this committee which details the pressures identified and details the overall budget position against the budget envelope.

#### **5. Review of Fees and Charges**

- 5.1. Charges for services for a key part of the mechanism for financing local services. In simple terms income from fees and charges offsets the cost of the service. If income from charging does not fully offset costs, then the Council Taxpayer must pay for the difference.
- 5.2. It is therefore important that charges are regularly reviewed and assessed to reflect the Council's corporate priorities and are increased annually to take account of inflation, demand and any other appropriate factors particular to individual charges. 2022/23 will be a challenging year with ongoing uncertainty relating to the pandemic. This is all exacerbated by the significant uncertainty with funding from Central Government over the medium-term. The Spending Review and the provisional settlement has only provided us with surety for one year.
- 5.3. There are a number of charges that are set externally over which the Council has no control to alter. This restricts the Council's ability to raise additional income and therefore the fees and charges set by statute are not required to be approved by this Committee.

- 5.4. Some Planning Policy fees and charges are discretionary, particularly including those for the preapplication service. These will be presented within the detailed budget paper to the Committee in March 2022. The fees are to be reviewed and benchmarked against other government and local authorities' charges. This is necessary for the preapplication service which has recently been re-started based on previous fee levels, which need to be validated.

## **6. Community Infrastructure Levy - Capital Programme**

- 6.1. The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (for further details, see section 216(2) of the Planning Act 2008, and regulation 59, as amended by the 2012 and 2013 Regulations). This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan. Most of these schemes would be defined as a capital scheme.
- 6.2. The proposed Capital Programme for this committee is wholly related to the CIL capital programme shown at **Appendix C**. The programme covers a three-year period but will be reviewed and updated annually. The Appendix shows the current agreed programme, revisions to existing schemes and any new schemes added and the proposed programme after all revisions.
- 6.3. There is one scheme that is being directly managed by Strategy & Resources due to it being funded by a number of other funding streams. Included in **Appendix C** is a narrative description of each of the contribution towards other schemes.

## **7. Other options considered**

- 7.1. It is a legal obligation that the Council sets a balanced budget for 2022/23 and this has been achieved with the Planning Policy Committee having balanced its budget.

## **8. Consultation**

- 8.1. It is good practice for the Council to consult on its proposed budget for the next financial year. The views of local people and key stakeholders were considered in arriving at the final budget setting process.
- 8.2. The Council's budget consultation exercise in relation to the Budget for 2022/23 is taking place over January 2022, providing information in relation to the budget challenge that the Council faces. The outcome of that consultation will be included in the consolidated Final Budget report.

- 8.3. The public consultation will give residents and stakeholders an opportunity to comment on the 2022/23 overall budget before final decisions are formalised in the Council's annual budget.

## **Key implications**

### **9. Comments of the Chief Finance Officer (s151)**

- 9.1. The Council has faced a turbulent and challenging financial year with the identification of the error in the 2020/21 budget, coupled with the ongoing effects of the pandemic. These challenges are set to continue over the medium-term, particularly with the likely introduction of Fair Funding Reform and Business Rates reset for 2023/24 as was alluded to in the Provisional Settlement of 16<sup>th</sup> December. Despite all this **we have set a balanced budget for 2022/23** but this will need to ensure that in-year pressures are managed.
- 9.2. 2021/22 is undoubtedly also a difficult year with a current (Month 7) overspend of c£200k forecast for year-end. We collectively need to ensure we manage this position as tightly as possible as we approach year-end to minimise the call on Reserves, which are at legally acceptable levels but are insufficient to provide us with any financial resilience in the medium-term.
- 9.3. Given the challenges of setting the 2022/23 against the backdrop set out above, we chose not to build Reserves in 2022/23 however for 2023/24 we must set back on this course. Due to the strategy adopted in budget setting for 2021/22 to build reserves our call on them to mitigate the 2020/21 budget error has been minimised and there is the hope that they can be replenished through our request to Department of Levelling Up Communities and Housing for a Capital Dispensation. This is currently in train and we will be notified of our success or otherwise in the early part of 2022.
- 9.4. The Council is required to set a balanced budget for 2022/23 and the proposals in this report help achieve that objective. If pressures are added, then offsetting savings must be identified to compensate.

### **10. Comments of the Head of Legal Services**

- 10.1. The report updates Members with the MTFS for this Committee. This is a matter that informs the budget process, is consistent with sound financial management and the Council's obligation under section 151 of the Local Government Act 1972 for the Council to adopt and monitor a MTFS.

- 10.2. The report provides information about risks associated with the MTFS and the budget. This is, again, consistent with the Council's obligation under section 151 of the Local Government Act 1972 to make proper arrangements for the management of its financial affairs. It is also consistent with the Council's obligation under the Accounts and Audit Regulations 2015 to have a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk. The maintenance and consideration of information about risk, such as is provided in the report, is part of the way in which the Council fulfils this duty.
- 10.3. Section 28 of the Local Government Act 2003 imposes a duty on the Council to monitor its budgets throughout the financial year, using the same figures for reserves as were used in any original budget calculations. The Council must take necessary appropriate action to deal with any deterioration in the financial position revealed by the review.
- 10.4. The Council is a best value authority within the meaning of section 1 of the Local Government Act 1999. As such the Council is required under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (the best value duty) which includes a duty to consult. Having a MTFS therefore contributes to achieving this legal duty.
- 10.5. Although the MTFS is not a statutory document it is considered best practice.

## **11. Equality**

- 11.1. The Council has specific responsibilities under the Equality Act 2010 and Public Sector Equality Duty. Part of this is to ensure that the potential effects of decisions on those protected by the equalities legislation are considered prior to any decision being made.
- 11.2. Section 149 of the Equality Act 2010, provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA;
  - advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the EA) and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.3. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.



- 11.4. Members should have due regard to the public-sector equality duty when making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome.
- 11.5. The Officers have reviewed their budget changes against the initial equalities screening tool. This has highlighted and concluded that all of savings within the 2022/23 budget will not have any direct effect on residents or service delivery (such as removal of vacant posts, renegotiation of contracts and reserve adjustments).
- 11.6. The outcome of this is that the budgetary changes have no negative or positive impact on protected characteristics and residents. However, the Council will continually monitor the effect of the Budget-setting process and decision-making by using equality impact assessments.

## **12. Climate change**

- 12.1. There are no significant environmental / sustainability implications associated with this report.

## **Appendices**

**Appendix A** - 2022/23 Revenue Budget Movements, including pressures allocated as part of Tranche 1

**Appendix B** – Subjective Revenue Budgets from 2020/21 to 2023/24

**Appendix C** – Draft CIL - Capital Programme 2022/23 – 2024/25

## **Background papers**

2<sup>nd</sup> Dec S&R – 2022/23 Draft budget and medium-term financial strategy (MTFS)

## Appendix A – 2022/23 Revenue Budget Movements, including pressures allocated as part of Tranche 1

### PLANNING POLICY

		2022/23 £000	2023/24 £000	Total £000
<b>Brought forward budget</b>		<b>1,185</b>	<b>1,190</b>	
<b>Pressures</b>				
Theme	Description	Pressure		
		2022/23 £000	2023/24 £000	Total £000
Service Demands	Allowance for planning appeals	40	40	80
<b>Service Demands - subtotal</b>		<b>40</b>	<b>40</b>	<b>80</b>
Fees and Charges	Risk to pre-application income budget	15	0	15
Fees and Charges	Additional planning fee income	(50)	0	(50)
<b>Fees and Charges - subtotal</b>		<b>(35)</b>	<b>0</b>	<b>(35)</b>
<b>Total Pressures</b>		<b>5</b>	<b>40</b>	<b>45</b>
<b>Net movement for committee budget</b>		<b>5</b>	<b>40</b>	<b>45</b>
<b>Indicative Budget Requirement</b>		<b>1,190</b>	<b>1,230</b>	

**Note:** for 2023/24 Pressures are indicative only at this stage. These will be reviewed as part of the annual budget setting cycle for 2023/24.

### Glossary of Terms

**Budget pressures:** Known budgeted expenditure increases and income reductions due to the following:

- Growth factors – e.g. demographic, inflation and/or increased demand for services;
- Full year effects – to take account of changes to expenditure or income which have taken effect in-year and need to be accounted for in future years as they are of an ongoing nature, e.g. ongoing changes to car parking income due to the pandemic; and/or
- Other increases in expenditure or reduction in income as a result of strategic, governance, funding or policy changes e.g. additions to the organisational structure or additional service activities undertaken and not budgeted for as they occur after the budget is set and have ongoing implications.

**Budget savings:** Known budgeted expenditure reductions and income increases which result due to the following:

- Containing additional costs of Inflationary increases in contracts or pay;
- Driving forward efficiencies in the provision of existing services i.e. providing services in an improved way to deliver better value for money;
- The delivery of new or additional services; and/or
- Optimising sources of income.

**Balanced budget:** Budget pressures fully offset by budget savings and funding changes.

## Appendix B - Subjective Revenue Budgets from 2020/21 to 2023/24

	2020/21		2021/22	2022/23	2023/24
	Annual Budget	Outturn	Annual Budget	Annual Budget <sup>1</sup>	Estimate <sup>2</sup>
	£k	£k	£k	£k	£k
Planning Applications & Advice	167	428	661	361	361
Planning Strategy & Policy Guidance	368	330	294	294	294
Appeals	0	0	0	40	80
Enforcement	173	101	50	224	224
Tree Preservation & Advice	1	1	0	92	92
Local Development Plan - Evidence	621	(82)	174	174	174
Transfer to/from Neighbourhood Plan Reserve	8	28	8	8	8
Covid-19 - Sales, Fees and Charges Reimbursement		(97)			
Land Charges and Street Naming <sup>3</sup>			(3)	(3)	(3)
<b>Planning Policy - General Fund</b>	<b>1,338</b>	<b>709</b>	<b>1,185</b>	<b>1,190</b>	<b>1,230</b>
Community Infrastructure Levy (CIL) <sup>4</sup>	0	0	0	0	0
<b>Planning Policy</b>	<b>1,338</b>	<b>709</b>	<b>1,185</b>	<b>1,190</b>	<b>1,230</b>

*Note 1: The Annual budget will be represented, to the committee in March 2022, when the Corporate Items Pressures have been distributed*

*Note 2: These include the indicative pressures the committee*

*Note 3: Land Charges and Street Naming has been transferred to Planning Policy from Strategy and Resources*

*Note 4: Community Infrastructure Levy – The mechanism is to collect all of the levies through revenue (Est £1.8m) and transfer the levy to reserves less the administrative costs.*

## Appendix C – Community Infrastructure Levy Capital Schemes

### CAPITAL PROGRAMME 2021/22 TO 2024/25 - Planning Policy

COMMITTEE SCHEMES	Current Programme 2021/22 £	Estimated Programme 2022/23 £	Estimated Programme 2023/24 £	Estimated Programme 2024/25 £	Total Programme 2021-25 £
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#### Planning Policy

Current Continuing Programme					
Capital Contributions from CIL	1,017,000	330,000	0		1,347,000
<b>Total Current Continuing Programme</b>	<b>1,017,000</b>	<b>330,000</b>	<b>0</b>	<b>0</b>	<b>1,347,000</b>

Revisions and New Bids					
Capital Contributions from CIL		1,337,400	500,000		1,837,400
<b>Total Revisions and New Bids</b>	<b>0</b>	<b>1,337,400</b>	<b>500,000</b>	<b>0</b>	<b>1,837,400</b>

Proposed Programme					
Capital Contributions from CIL*	1,017,000	1,667,400	500,000	0	3,184,400
<b>Total Proposed Programme</b>	<b>1,017,000</b>	<b>1,667,400</b>	<b>500,000</b>	<b>0</b>	<b>3,184,400</b>

\* The full amount of CIL funding for 2022/23 is £2,617,400, however £950,00 is funding the Croydon Road Regeneration project which is shown as a separate scheme in Strategy & Resources Committee.

CAPITAL PROJECT APPRAISAL - PLANNING POLICY	
Title of Scheme	Capital Contributions from CIL
<b>Description of Scheme</b>	Contributions from Community Infrastructure Levy monies to third parties for works of a capital nature.
<b>Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)</b>	Community Infrastructure Levy monies are allocated to schemes for work of a capital nature. The 2022/23 financial year includes schemes such as Warlingham Green Improvement Project, Smallfield Flood Alleviation, A25 Westerham Road Traffic calming/road safety initiatives etc.

## Local Plan progress options: Inspector response - ID16 and ID19

### Planning Policy Committee Thursday, 20 January 2022

Report of: Chief Executive

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Purpose: For decision

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Publication status: Unrestricted

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Wards affected: All

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#### Executive summary:

The Council has been preparing a Local Plan ('Plan') which is undergoing examination by Planning Inspector Mr Philip Lewis, on behalf of the Secretary of State. Mr Lewis has identified several issues and concerns with the submitted draft plan and has asked the Council to make a decision regarding how it wishes to proceed with the Local Plan and the ongoing examination.

The Council has been waiting for key information around J6 of the M25 and the capacity of the junction, before making any decision on the Plan. The junction capacity and opportunity to mitigate any issues is fundamental to the Council being able to fully understand the implications for the Local Plan and its ability to deliver development. Information regarding this has been provided to the Committee at the Special Meeting on 5 January 2022 and subsequently to the Inspector.

The Committee, which has responsibility for the Local Plan, now has the information needed to respond to the Inspector.

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#### This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need – both now and in the future.
- Supporting economic recovery in Tandridge – from lockdown to growth that everyone benefits from.
- Becoming a greener, more sustainable District – tackling climate change.

**Contact officer:** David Ford – Chief Executive - [dford@tandridge.gov.uk](mailto:dford@tandridge.gov.uk)

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## **Recommendation to Committee:**

That in accordance with its delegated powers, the Committee agree to issue the response to the Inspector as set out at Appendix B.

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## **Reason for recommendation:**

The Planning Inspector examining the draft Plan has issued correspondence to the Council ('ID16' and 'ID19') for its response.

Until now, the Council's ability to respond has been hindered by a lack of information and understanding of implications around Junction 6 of the M25, which is already operating over capacity. This information is now available.

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### **1.0 Introduction and background**

- 1.1 The Council has been preparing its Local Plan since 2014. In January 2019, the Council submitted Our Local Plan: 2033 to the Planning Inspectorate, for examination. The examination in public on the draft plan took place during October and November 2019 and it was well attended by developers, community groups, residents and other interested parties.
- 1.2 In December 2020, the Inspector issued the Council with his interim findings (ID16), setting out several concerns with the plan, including Junction 6 of the M25 and the Council's ability to demonstrate that the Plan is deliverable. This same correspondence presented the Council with two options 1) to withdraw the plan, or 2) to continue with the plan, undertaking further evidence and main modifications, which were further detailed in his letter.
- 1.3 With the Inspector's agreement, the Council has sought to consider the implications for the Plan in the context of the capacity and opportunities to mitigate issues with Junction 6. Due to issues outside the Council's control, this work has experienced delays and despite best efforts to meet the original deadline in the early summer, this was only able to reach completion at the end of 2021.
- 1.4 In an effort to demonstrate the Council's commitment to providing the Inspector with an informed response, a 'without prejudice' option was presented to the Inspector in early September ('TED48'). The Inspector responded to this ('ID19') and identified further challenges for the Plan, predominantly around the level of work required, the need to remain compliant with legislation and policy, and the amount of time already passed and likely to be still needed to get the Plan to a place where the examination can move forward. The Inspector's correspondence suggested that, with all his concerns in mind, withdrawal of the Plan may be the most appropriate course of action. He did not, however, invite or request that the Plan be withdrawn and therefore the decision around next steps to move the Local Plan forward remains with the Council.

- 1.5 An obstacle which has prevented the Council from responding to the Inspector on its draft Local Plan has been the absence of final detailed information around the capacity of Junction 6 of the M25 and its ability to support the delivery of development. This information is now available, and the Committee is now asked to decide on the response to be issued to the Inspector. There are four option profiles set out in the supporting paper to this report at Appendix A and highlighted to the Inspector within the draft response. Appendix A explores each of these options and highlights the process, benefits and risks/consequences.
- 1.6 The final decision on the next steps for the Local Plan will be that of the Planning Inspector whose decision, on behalf of the Secretary of State, must accord with policy, legislation and the requirements of his role. He must be confident that, if the Council is to proceed with its Local Plan, a sound outcome can be achieved. Once the Council's response is submitted to the Inspector, the Council must await his decision.

## 2.0 Local Plan Options

- 2.1 There is one recommendation before the Committee which comprises four options. The following summarises the indicative timescales the Council would be working towards.
- 2.2 Each of the Option profiles includes a high-level assessment of what work would be anticipated but cannot be exact at this time. The Local Plan is an iterative process and while we cannot account for those aspects that are unknown, the basic requirements of evidence gathering, and technical assessment are relatively established. The items of work included have been arrived at with a best understanding and are based on officer experience and the Inspectors correspondence to date. Once a decision from the Inspector has been received, any decisions regarding staffing and budget matters will be brought back to Committee for approval.

### Option 1: Withdraw and prepare a new plan

- 2.3 This option would result in the withdrawal of the Plan and commence the preparation of a new Plan as per current national planning policy. This option was raised by the Inspector in paragraph 63 of ID16 and at paragraph 22 of ID19. For the benefit of context, the same details and workplan etc which apply to Option 1, would also apply if the Plan were found unsound.
- 2.4 The following timescale is an indication of what the Council could seek to work towards:

Stage	Estimated Date
Regulation 18 (possible development options)	Q4 22/23
Regulation 19 (consultation on new draft Local Plan)	Q1 24/25
Submission	Q3 24/25
Examination	Q1 25/26
Regulation 19 - Main Modifications	Q4 25/26
Adoption	Q1 26/27

- 2.5 It would take at least 4 years before a new Local Plan can be submitted for examination.
- 2.6 The timetable is dependent on a number of factors including on a robust housing figure being agreed and a spatial strategy being fixed, early on. If existing evidence remains valid and parts of the current plan continue to be supported by any new evidence, it may be possible to re-purpose some aspects of the work already done with some cost savings. However, at the outset of the preparation of a new plan, all the existing evidence base of the currently emerging Local Plan would have to be withdrawn to accord with Government guidance and then any parts of the current evidence base re-purposed where justified.
- 2.7 To withdraw the Local Plan does significantly increase the risks to the Council regarding speculative planning applications and appeals, the resource implications (including costs) of which cannot be determined. But withdrawal would ensure the Council were preparing a new plan in a more up to date context (the current Local Plan is being prepared under the guidance in the National Planning Policy Framework (NPPF) 2012). A new Local Plan would be prepared against the NPPF 2021.

#### Option 2: Continue with the current plan and modifications process

- 2.8 Option 2 would pause the examination and require the Council to undertake further work on matters including, the OAN, housing requirement and supply, provision for Gypsies and Travellers, all to an agreed timescale. The Inspector has previously set out several tasks in ID16, that would need to be completed before he could continue with the examination.
- 2.9 Additional estimated staffing until at least the main modifications consultation was concluded, would be needed to increase the capacity of the Local Plan team from 5.31FTE to 8.31FTE.
- 2.10 As a fundamental aspect of delivering the Local Plan relates to the-upgrading at M25, Junction 6, funding of £5 million has so far been identified as needing to be secured to fund the works. In addition, DHA Consultants most recent work considered at the Committee meeting on the 5 January 2022 and sent to the Inspector afterwards has identified that additional improvements are needed to widen a 275 metre length of the M25 eastbound off slip of Junction 6. This additional improvement work would require acquisition of third party land and is still being costed.
- 2.11 It is important to highlight any additional work which would be generated by this option. An example of this exists at policy SGC01, which sets a commitment to prepare an Area Action Plan (AAP) to deliver the South Godstone Garden Community development. Should this option to continue with the submitted Local Plan be selected and be found sound, additional budget and staffing, would need to be provided. No detailed work for the AAP has been carried out at this time, but high level workstream estimates are provided at Appendix A.



- 2.12 The Council has previously considered the prospect of becoming land owners in the Garden Community, to facilitate delivery. Further information regarding this forms part of the evidence base for the Local Plan examination in TED24. While the matter of Compulsory Purchase Orders and land assembly were considered when preparing the indicative workplan, no detail has been included as Committee discussions have not progressed since before the start of the examination of the Local Plan. This matter was discussed at Planning Policy Committee on 25 June 2019 when it was decided not to progress the work pending further detail on the outcome of the Local Plan examination.
- 2.13 The following timescale would be an indication of what the Council could work towards:

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

- 2.14 With the matters raised at paragraphs 12, 15, 64 of ID16 and throughout ID19, it is apparent that the Inspector already has concerns about perpetuating the existing timetable. However, it would be for the Inspector to determine if he would accept such a delay based on the Council's response. Furthermore, the Inspector will need to consider if the option is effective, justified and deliverable before responding to the Council.
- 2.15 Pursuing this option does mean that the Council will not have lost the financial investment in the Local Plan to date.

### Option 3 – Continue with the current Local Plan and modifications process securing a 5-year Plan

- 2.16 Option 3 is the same as Option 2 except for one fundamental difference which is that the Council would focus on a shorter adoption period, in the knowledge that the Local Plan would need to be substantively reviewed after 5 years. It would continue to be prepared with the Local Plan period being 2013 to 2033, unless at the point of review, it was determined the Plan should change.
- 2.17 This option focuses on the delivery of the allocated sites as a way of meeting housing needs. Appendix A sets out that work required by the Inspector in ID16 would also be necessary to prepare a Local Plan which covers a shorter adoption period. This is mainly because while the Inspector raises concerns around M25, J6, the work highlighted in ID16 primarily relates to the policies and sites which are not related to the Garden Community.

- 2.18 The prospect of seeking the adoption of a 5-year Local Plan is not a new one. There are precedents across the country where Inspectors have sought to permit shorter term plans for authorities where it has been sound and appropriate to do so. In the cases of Bedford, Swale and Oadby and Wigston, shorter plans were permitted by Planning Inspectors. This was on the grounds of significant strategic issues that were not in the control of the local authorities, creating obstacles to otherwise sound and deliverable plans, which could demonstrate 5-year land supplies. In the case of this Council, the matter of the capacity of Junction 6 of M25, which is a strategic issue involving National Highways and Surrey County Highways, has been predominant.
- 2.19 The following timescale is an indication of what the Council could seek to work towards, which is the same as Option 2:

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

- 2.20 As mentioned earlier in this report the Inspector has raised concerns regarding the length of time work may take to complete. Under a 5-year option, the acuteness of time is more relevant as the Local Plan, all things being found sound, would not be adopted until early 2024 under Option 3. As such, the plan would run until 2029, with a need for a full review at that stage. However, officers consider the timescale for completing further work and the re-opening of the examination to enable the Inspector to come to a decision is achievable, subject to external commission of consultants to undertake the preparatory AAP work. Again, as with Option 2, the Inspector will need to consider if the option is effective, justified and deliverable before responding to the Council.
- 2.21 The benefits of this option are that while the Council worked to resolve a number of issues around the Garden Community with a view to covering the same plan period, the Inspector would be agreeing the Plan for an initial 5 years from adoption, and therefore able to provide policy guidance for development.

#### Option 4: Continue with a plan as set out in TED48

- 2.22 This option was originally presented to the Inspector as a “without prejudice”, alternative approach to progressing the Plan as set out in TED48. The intention of the option is different to that of Option 3 in that it changes the Plan period to fifteen years from 2013-2028 in accordance with paragraph 157 of the NPPF 2012 under which this Local Plan is being prepared. As with Option 3, it includes a 5-year review policy. However, where Option 3 would still consider the Garden Community as part of the Plan, Option 4 places no reliance on the Garden Community and would potentially require a new spatial strategy to be determined. The Local Plan would be focused on the allocated sites and would make best use of the remaining capacity in Junction 6 of M25.

- 2.23 Under this option, no work would need to be done on the Garden Community and its Area Action Plan pending the review within 5 years of adoption of the Local Plan. Although, as with option 2 and 3, Option 4 would need to address M25, J6.
- 2.24 The following timescale is an indication of what the Council could seek to work towards:

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

- 2.25 As with options 2 and 3, Option 4 will be considered by the Inspector in the context of timescale concerns. However, the benefits of this option are shared with Option 3 and offer the Council some security in its ability to manage applications for development and guide it accordingly.

## Consultation

Regarding the direct implications of this report, discussions with the Chief Executive, Interim Chief Planning Officer, the Chair and Vice Chair of the Planning Policy Committee; Chair of Planning Committee; Chair of Strategy and Resources, have taken place. In addition, Officers have met with the leader of the Conservative group and Members from the group, to update them on the Local Plan and the process.

## Key implications

### Comments of the Chief Finance Officer

The financial challenges the Council has been under and will experience in the medium-term are well rehearsed. Each of the Options identified in the report carries a financial implication for the Council; the most significant of these would be Option 1.

The Council has been prudent in building up a reserve and making ongoing budget provision for the costs of developing the plan. It will be necessary to undertake a detailed analysis and full business case of the costs of delivering the identified changes needed once the Inspector has made his decision.

It is important to note that 3 of the 4 options contain a dependency on external funding to be deliverable.

## **Comments of the Head of Legal Services**

The proposed draft as set out in Appendix B is a response to the comments and questions raised by the Inspector in ID-19 (as set out in Appendix B) which is before Members for consideration. There is an expectation by the Inspector that following the Committee's Special Meeting on 5 January 2022 in which the implications around Junction 6 of the M25 was discussed, the Council should provide a response to the available options it wishes the Inspector to consider as swiftly as possible. Once in receipt of the Council's response, it is the job of the Planning Inspector to complete his assessment that the Council's Local Plan meets legal and procedural requirements and the tests of soundness, meaning that it is: positively prepared, justified, effective and consistent with national policy.

## **Equality**

The draft Local Plan seeks to deliver development solutions that provide homes, community facilities and infrastructure for all areas of our community. As such, the decisions regarding the Local Plan has implications for how the Council can meet its housing, employment and development needs, and thus how it can provide for our community. As part of the Local Plan preparation, Equalities Impact Assessments were carried out at each plan-making stage, to ensure that matters of equality were considered comprehensively.

## **Climate change**

The draft Local Plan sets policies which would contribute to the mitigation of Climate Change when development takes place. The climate agenda has moved on significantly since the Plan was prepared and, should the Plan progress, the Inspector would need to consider whether the Plan goes far enough in contributing to net zero national targets. He may seek to do this through the main modifications process where it is legitimate to do so. Should the Plan be withdrawn, any new plan would need to address climate matters more extensively.

## **Appendices**

<b>Appendix A -</b>	Option Profiles
<b>Appendix B -</b>	Draft Inspectors Response

## **Background papers**

None

----- end of report -----

## Appendix A

### Local Plan Option profiles (January 2022)

#### 1.0 Introduction

- 1.1 This paper presents detail around the Options presented to the Inspector in terms of how the Council should proceed with the Local Plan. The information includes: opportunities, risks and issues of each Option as well as high-level, approximate costings and timescales.
- 1.2 The final decision will be that of the Planning Inspector whose decision, on behalf of the Secretary of State, must accord with policy, legislation and the requirements of his role. He must be confident that, if the Council is to proceed with its Local Plan, a sound outcome can be achieved. Once the Council submits its response to the Inspector, the Council must wait his final response before knowing, for certain, what the next steps are for the Local Plan.

#### Time and resourcing implications

- 1.3 Each of the Option profiles includes a high-level assessment of what work would be anticipated but cannot be exact at this time. The Local Plan is an iterative process and while we cannot include those aspects that are unknown, the basic requirements of evidence gathering, and technical assessment are relatively established. The items of work included have been arrived at with a best understanding and are based on Officer experience where it applies.

where it applies.

- 1.4 Given that workstreams and timescales can only be indicative, they should not be considered to represent the formal workplan to be followed, but instead give an indication of what can be expected. The Inspector in his correspondence, both ID16 and ID19, has regard to this. Officers will need to review the timetable and seek to prepare a new Local Development Scheme ('LDS') for Committee approval, subject to any guidance from the Inspector.

## Staffing

- 1.5 The current Strategy Team of 3.5FTE occupied posts is not staffed to respond to the level of work set out below and this would need to be addressed if any of the Options 2-4 are chosen by the Inspector. When fully staffed, the team is made up of 5.31FTE, including 4.5FTE strategy specialists and 0.81FTE, Head of Strategy.
- 1.6 The urgency of getting new staff in place may differ between Options and delivery will be dependent on a properly resourced and structured team. It is anticipated, that in addition to ensuring that all 5.31FTE posts are filled, the following further staff are estimated to be needed at this time:
- Option 1 an additional 1FTE Lead Strategy Specialist (M4-HOS1), 2 FTE Strategy Specialists (M3-M4) and 1 FTE junior planner (M2) from the point of commencing plan preparation until at least the point of submission, approximately 3 years.
  - Option 2 - 4 an additional 2 FTE Strategy Specialists and 1 FTE junior planner (M2) from the point of commencing further work until at least the end of the main modifications consultation, approximately 18months.
- 1.7 Further detail on related budgets and staffing will need to be the subject of a report to the Committee following the Inspector's response and on consideration of the work to be done.

## 2.0 The Options

### Option 1: To withdraw

2.1 Withdraw the Plan and commence the preparation of a new Plan as per current national planning policy. This option was raised by the Inspector in paragraph 63 of ID16 and paragraph 22 of ID19.

#### Snapshot - Risks, issues and opportunities

Risk/Issue	Opportunity
<b>Loss of costs already spent on preparing the plan with a need to commit funding to the preparation of a new plan, against the Council's current financial challenges.</b>	Prepare a new plan which can take into consideration the context of up to date policies and legislation. Any plan would not be at risk of being considered out of date or in need of early review.
<b>Would need to prepare a plan within the context of new and emerging national policy which could be more challenging for the Local Authority and in the context of higher housing need numbers</b>	Rather than continuing to invest in the current plan and the risks that come with this, there is an opportunity to direct budget into a new plan, after more thought is given to what the plan should include.
<b>Reputational damage to the Council associated with costs incurred to date and the role of the Garden Community</b>	Opportunity to begin with community consultation at the earliest stage to brief and engage with the community on the role and requirements of the Local Plan
<b>Would result in a longer period of delay for having up to date planning policies, including around land supply, infrastructure and flooding, during which the content of the NPPF would assume greater importance in decision making.</b>	Would give Neighbourhood Plan groups the certainty that they can be prepared against current adopted policies but won't preclude the need for them to be reviewed when a Local Plan is in place.
<b>Implications for the assessment of planning applications, potential increase in speculative applications, appeals and costs due to land supply issues.</b>	Would not necessarily mean all the work from the current plan is lost and some evidence bases could still be utilised in forming the next plan.

Risk/Issue	Opportunity
<b>Community may not welcome further consultation rounds and would remain uncertain about the content of a Local Plan.</b>	Opportunity to use the situation to challenge government, especially when considering the implications of Junction 6 and could provide time for increased lobbying and engagement with central government to resolve this issue.
<b>While the need to implement the interim scheme at Junction 6 would be less pressing, this could be replaced with a more significant need for full, more complex, upgrade at a much higher cost.</b>	The pressing need to implement the interim mitigation scheme at Junction 6 would be lessened.
<b>A new plan does not guarantee that revisions to policies and allocations would be favoured by the community or other interested parties.</b>	Would be in a position to take into account any necessary revisions to the corporate strategic plan, Surrey Hills AONB review, SCC infrastructure assessments, climate change work etc. It would also allow for the new planning reforms to become clearer which would otherwise present as an obstacle for a continuing plan.
<b>Any update to the Community Infrastructure Levy would be delayed.</b>	Would present an opportunity to revisit the spatial strategy if necessary.
<b>The new spatial strategy could still require a strategic scale development, such as a garden community, which would need to be explored as a reasonable alternative spatial Option.</b>	May provide an opportunity for more joined up planning with our neighbours, particularly Reigate and Banstead, if there was an option to do so. This would need to be discussed and agreed with our neighbours and planned accordingly.



What is the process?



Time and resourcing estimates

2.2 The following sets out the key pieces of evidence which would need to be prepared and timescales for preparing a new plan:

Option 1			
Work	Timescale	Notes	Financial Year
<b>Full SHMA</b>	3 months	Full commission, including review of Housing Market Assessment (HMA). This work would also need to be updated either at submission or examination, possibly both, due to population and household projections. We also can't know how the Strategic Housing Market Assessment (SHMA) process will be affected by possible changes to the Standard Housing Methodology in future. Further, the SHMA would need to align with other authorities and may present an opportunity for joint working and cost saving but could equally present an obstacle in cooperation and for timescales.	22/23

Option 1			
<b>Local Development Scheme (LDS) Review</b>	1 month	This will be prepared following a decision on the Options and sent to Planning Policy Committee (PPC) for adoption. It is usual for an LDS to undergo further updates as it needs to respond to changing circumstances as the work progresses.	21/22
<b>Review of Settlement Hierarchy</b>	3 months	This would use the existing settlement hierarchy as the basis of work but seek to ensure the understanding of facilities remains up to date. This aspect of work is needed to inform any decisions on special strategy.	22/23
<b>Climate Change and Renewable Energy Strategy</b>	5 months	This is a new aspect of work for the District and while SCC is carrying out some work on this, it is unlikely to be locally specific enough to cover the preparation of effective local policies.	22/23
<b>Sustainability Assessment (SA)</b>	Iterative for duration of plan-making.	Full external commission. This could be done on a retainer basis to ensure that all stages of SA are carried out by the same consultants. SA would be needed for each stage of consultation at least.	22/23, 23/24, 24/25, 25/26
<b>Habitat Regulations Assessment (HRA)</b>	At necessary stages of the Plan making process.	Full commission. This doesn't account for any HRA needed for main modifications either.	22/23, 23/24, 24/25, 25/26
<b>Junction 6 Feasibility Work</b>	1 -2 years depending on the extent of the junction improvements.	<p>This element of work is highly detailed and includes economic modelling, testing options, third-party land considerations and costing.</p> <p>The Surrey County Council (SCC) feasibility fund could be utilised for this work and any work would need to be informed by full remodelling based on a preferred spatial strategy. SCC may also be able to contribute to this work but that would need to be</p>	22/23, 23/24, 24/25

Option 1			
		explored with them. The extent of the mitigation needed for the junction is a large factor to the cost and length of this work which may need to look to the full-scale upgrade, rather than smaller scale interim solution under Option 2. The changes in transportation process post-COVID etc would also be a factor for this work.	
<b>Highways Modelling</b>	Duration of the plan preparation.	This is the necessary modelling all Plans need. It tests sites, local roads and mitigation for the wider district etc. Highways modelling is always the most challenging part of plan-making, and while SCC do this work for free – their resource is such that we have previously paid for them to be supported so that our required timescale could be met. This is what the cost relates to against this item. All plan-making authorities must secure a slot in SCC Highway's schedule as modelling cannot take place for multiple authorities at the same time. This can add significant delay to a plan, especially where slippage occurs, which is not unusual.	22/23, 23/24, 24/25
<b>A22/Felbridge Junction Capacity Work</b>	6 months	This work would require the involvement of SCC and WSCC. It may be possible to factor in this work as part of the wider strategic modelling and mitigation work, however, feasibility assessment would still be necessary, so it is being included separately.	23/24,
<b>Infrastructure Delivery Plan</b>	Needed for the duration of the plan with most work needed following Reg 18 and in the preparation of Reg 19.	It is highlighted that the Council does not currently have an infrastructure specialist in post, but this remains a vacancy - see comments on Staffing in Section 2.	22/23, 23/24, 24/25, 25/26

Option 1			
		<p>This aspect of work is crucial to the delivery of an effective plan that serves the interests of our communities and businesses.</p> <p>Infrastructure modelling and forecasting in an ongoing and complex process and the Council relies heavily on the input of providers to prepare the IDP.</p>	
<b>Biodiversity improvements site assessments</b>	5 months	<p>This is a new area of work arising from recent national policy changes and the recent Environment Act and gives rise to biodiversity net gain opportunities. It is possible that this work could be carried out by the same consultants who would conduct the site-based ecology assessments and could attract a cost saving. For now, however, this is being costed at a similar fee to the ecology work undertaken for the current plan as this would need to be carried out on several sites, not necessarily just new ones.</p> <p>Full account would also need to be taken of any proposals brought about by the implementation of the Environment Act 2021.</p>	22/23, 23/24, 24/25
<b>Housing &amp; Economic Land Availability Assessment (HELAA) review</b>	3 months	More than one review would be needed to accord with current policy.	22/23, 23/24 and 24/25
<b>Economic Need Assessment (ENA)</b>	4 months	The last ENA was carried out in 2017 and as a needs assessment it would need to be updated, in	22/23

Option 1			
		part to take account of Covid. Delay could be incurred however, due to the availability of industry accepted Covid data.	
<b>Consultation: Regulation 18</b>	4 months	<p>Including analysis of representations. However, timing is dependent on additional resourcing for comment input and the number of comments received.</p> <p>The Council would need to agree what they want the Regulation 18 draft to include, i.e. a full draft of a plan, or a higher-level consideration of spatial Options etc. This will impact on the date which can be achieved. For the purposes of this paper, dates align with an Options type consultation.</p>	22/23
<b>Heritage Assessments</b>	3 months	Heritage assessment would be carried out as part of the site selection process.	23/24
<b>Retail Needs Assessment</b>	2 months	As a need-based assessment this would need updating from previous work as not only would it be considered out of date, it would also benefit from post-Covid data.	22/23
<b>Strategic Flood Risk Assessment</b>	4 months	<p>This would need to reflect the preferred spatial strategy and specific sites and would be externally commissioned. This would need to be done to inform finalising site selection and be prepared in advance of the sequential test and exception test.</p> <p>Subject to the content of the new plan, it may be that just the Level 2 stage of assessment needs to be reviewed.</p>	23/24

Option 1			
<b>Additional Landscape Capacity Assessments (New/Amended sites)</b>	2 months	There is little reason to think that there would need to be a wholesale review of the landscape capacity assessments undertaken to inform the current draft plan. However, where new sites are being considered, this work would need to be done. For the benefits of cost saving, it is suggested that this work take place once a spatial strategy has been identified by the Council.	23/24
<b>Additional Ecology Assessments (New/Amended Sites)</b>	2 months	<p>There is little reason to think that there would need to be a wholesale review of the ecology assessments undertaken to inform the current draft plan. However, where new sites or materially amended sites are being considered, this work would need to be done.</p> <p>Ecology assessments may need to be scheduled for a specific season of the year to secure sound assessments. If the correct assessing window is missed, this can cause delay.</p> <p>For the benefits of cost saving, it is suggested that this work take place once a spatial strategy has been identified by the Council.</p>	23/24
<b>Gypsy &amp; Traveller Needs Assessment.</b>	6 months	This work takes time due to the number of attempts to consult with the community which is needed to demonstrate sufficient efforts made to engage. Stakeholder consultation is also necessary and can be lengthy to resolve issues.	22/23

Option 1			
<b>Design code and assessments on sites</b>	6 months	<p>This is a new element of work which would respond to the government agenda for design codes.</p> <p>It is possible that there could be a County wide design code, however, design codes should be locally specific, and the Council will need to pursue an Option which best benefits the District and therefore may need to carry out this work independently.</p> <p>Due to the importance of design, it is anticipated that this work would take some time to get right and be agreed. It would be used to assess sites for inclusion in the plan, also and of course set wider policy. Under the possible new national planning regime, it is not clear what status design codes would have, whether they would need to be amalgamated into plans, or be adopted as SPD.</p>	23/24
<b>Consultation: Regulation 19</b>	4 months	Including analysis of representations. However, timing is dependent on additional resourcing for comment input and the number of comments received. When this is undertaken will be impacted by the number of Reg 18 consultations.	24/25
<b>Water cycle study</b>	3 months		23/24
<b>Green Belt Assessment review and Exceptional Circumstances</b>	3 months	Based on the Inspector's correspondence (ID16), there is no pressing need to review GBA parts 1 or 2. However, a check could be carried out. The exceptional circumstances would need to be redone. If a full-scale review of the GBA is requested, this would be commissioned and would likely be a significant cost.	23/24

Option 1			
<b>Air Quality (sites, Ashdown Forest and Reigate to Mole Gap escarpment)</b>	2 months	This is needed to inform the statutory Habitat Regulations Assessment. This work would also need to be carried out once a spatial strategy is agreed and as part of the sites selection process.	23/24
<b>Open, Play Space and Pitch facilities update.</b>	5 months	Some aspects of this work, particularly where it is pitch related, is time of year dependent.  This could be an update of the earlier work but would need to reflect any changes to sites selected and the spatial strategy.	23/24
<b>Viability for Plan</b>	3 months	Needs to have a draft Regulation 19 and full draft of the plan before this can be carried out.  Any work relating to Junction 6 improvements will have a fundamental impact on viability if external funding cannot be secured.	24/25, 25/26
<b>Flooding Exceptions Test</b>	1 month	This work would need to take place once a strategy is set, and a site selection advanced.	24/25
<b>Options Appraisals and topic papers to inform new strategy.</b>	Ongoing		Ongoing
<b>Mapping (inset maps and proposals maps)</b>	Ongoing	Will need to be done for each stage of consultation, for the purpose of evidence gathering/site assessment, infrastructure planning and for the final plan. This resource is not met by the Strategy Team but is still in house.	Ongoing
<b>Duty to Cooperate Statement &amp;</b>	Ongoing	Subject to future national policy changes and legislation alterations.	Ongoing



Option 1			
Statements of Common Ground			
Environmental Act reflection	Iterative	Consideration of the Act, may require additional facets of work to be added to the programme.	22/23
Inspector's Fee	As needed	It's unclear if virtual hearings will remain and reduce PINS costs, or if the examination process will get shorter.	24/25, 25/26
Programme Officer	As needed		24/25, 25/26
Legal Representation	As needed	For the purposes of examination and for hearing sessions.	24/25, 25/26

#### Caveats

- The work plan does not include the costs for the full upgrade to Junction 6. The Council would need to demonstrate how this work would be funded to be more assured of a new plan being found deliverable. The Council would need to ensure that in preparing a new plan, the matter of the Junction, funding and engagement with National Highways and Department for Transport, was prioritised from the outset, due to the length of time it would take for a scheme to be drawn up, tested, funded and delivered. Based on the recent findings of the DHA work, it is apparent that Junction 6 will be unacceptably over capacity by 2030 at the latest. This would inevitably fall into any future Plan period and therefore a fundamental aspect which the Plan would need to address.

#### Indicative Milestones

Stage	Estimated Date
Regulation 18	Q4 22/23
Regulation 19	Q1 24/25
Submission	Q3 24/25
Examination	Q1 25/26
Regulation 19 - Main Modifications	Q4 25/26
Adoption	Q1 26/27

- 2.3 At this time, we can assume that it would take at least 4 years before a new plan can be submitted for examination. This is highly ambitious however and does not take account of the need for additional statutory consultation phases and most Councils will undergo at least 2 stages of Regulation 18. It is also dependent on a robust housing figure being agreed, and a spatial strategy being fixed early in the process. If existing evidence remains valid and parts of the current plan continue to be supported by any new evidence, it may be possible to re-purpose some aspects of the work already done with some cost savings.
- 2.4 A new Local Development Scheme would need to be prepared and agreed by the Planning Policy Committee and a full workplan would need to be developed.

#### Planning Applications and Land Supply

- 2.5 In the event of a withdrawal or if the Plan were found unsound, the Core Strategy, Detailed Policies, made Neighbourhood Plans and national policy would remain the Development Plan against which applications would be assessed.
- 2.6 If Option 1 was determined by the Inspector there would inevitably be more risk of speculative applications than there would be with Options 2 - 4. This is predominantly because the Council's intentions towards future development are no longer clear or set out in a submitted plan. While documents associated with the current draft plan would be removed from public view in accordance with the withdrawal process, the proposed land allocations would still be known and arguments in their favour would continue to be made by applicants. The allocated sites which are in the Green Belt would likely be those more prone to attempts to secure permission, and these would rely on demonstrating very special circumstances.

### *Housing Need*

- 2.7 The existence of the Standard Housing Methodology, set by national policy, would increase pressure for development and arguably more so than with Options 2-4. When preparing mandatory Housing Delivery Action Plans, the Council has been able to argue that the Local Plan is in the examination phase with a resolution to provide for housing. Withdrawal or a finding of unsoundness of the Plan would remove this and while the Council could still argue that a new plan was being prepared, its ability to demonstrate notable progress in plan-making would be limited and this would also be a consideration for Planning Inspectors at appeal, thus increasing the prospect of 'planning by appeal'.
- 2.8 A new plan would need to be prepared in the context of the most up to date national policy. As such, the Standard Housing Methodology figure of 646 would be the figure against which any new plan would need to be prepared. This would unlikely be the housing delivery figure included within the plan due to the constraints faced by the District. As the Inspector has said in ID16 *"there are specific policies of the framework which indicate that development should be restricted in Tandridge..."*.

### *Green Belt*

- 2.9 The Inspector has confirmed, at paragraph 42 of ID16, that the Council's approach to the Green Belt Assessment is adequate and that the validity of the strategic exceptional circumstance to alter Green Belt boundaries exists. As such, should the plan-making process start again the Green Belt Assessment, parts 1 and 2, could continue to be used. The exceptional circumstances work would need to be reconsidered on reflection of the strategy to be pursued and the evidence updated.

### *Duty to Cooperate*

- 2.10 The Inspector confirms at paragraphs 6 and 16 of ID16, that the Council's Plan is both legally compliant and has met its duty to cooperate in a pragmatic way. This may place the Council in a position where the progress of other authorities is more aligned with the Council's, potentially allowing for closer joint working with neighbouring authorities.

## Infrastructure

- 2.11 Infrastructure remains a critical issue for the District in relation to schools, health provision and transport network. Since the start of the current plan-making phase a great deal has changed and beginning that process again could provide the opportunity to plan infrastructure in an up to date context which reflects the extraordinary circumstances and impacts of both COVID 19 and Brexit. That said, it would mean further delay in the planning for and implementation of much needed infrastructure and a delay to the review of the Community Infrastructure Levy.
- 2.12 The Council's plan-making has been particularly challenging due to Junction 6 of the M25. Under Option 1, it may mean that a need to implement an interim scheme at the junction becomes less pressing while the plan was being prepared, but a more comprehensive and costly upgrade would need to be included to secure a sound and deliverable plan.

## Priority workstreams

- 2.13 Should the Plan be withdrawn or found unsound, it is advised that preparation of a new plan should not be commenced before efforts are made to add support to our current local policies and assist the Council in resisting inappropriate development. This would include the preparation of much needed supplementary planning documents (SPD) to underpin both Green Belt and flooding policies.
- 2.14 In addition, the Strategy team would undertake a review of all current policies and identify any other areas which may benefit from supplementary policy guidance or policy statements. Any SPD must either have a locally adopted parent policy or set out further detail on the application of a national policy. They cannot, however, create new policy or introduce new requirements such as an increased affordable housing threshold etc.
- 2.15 The preparation of SPDs is not as onerous as a Local Plan, and it would be a matter for the Planning Policy Committee to agree a draft for consultation and adoption. Costs for any technical and external legal support, could be met by existing Local Plan budgets.

## Option 2: Continue with the current plan and modifications process for the remaining plan-period

2.16 To pause the Examination and continue to attempt to resolve the issues of the provision of strategic infrastructure, the OAN, housing requirement and supply, including the Garden Community proposal, and provision for Gypsies and Travellers, to an agreed timescale. This will also require other changes to be made to the Plan which arise from the Inspector's comments, including site allocations, yields and local infrastructure. (As set out in ID16)

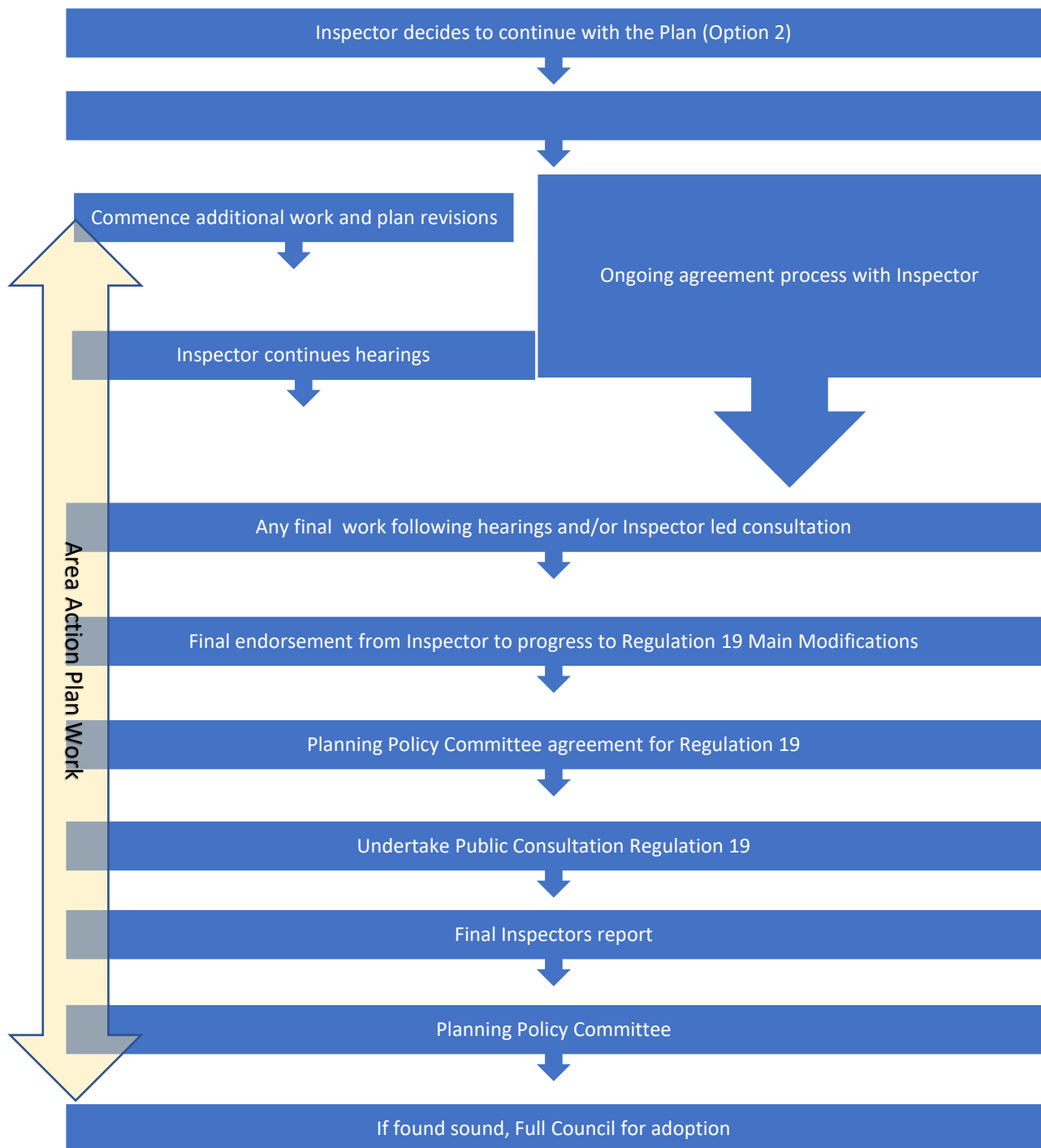
### Snapshot - Risks, issues and opportunities

Risk/Issue	Opportunity
<b>Further delay to the process and estimated timings do not factor in potential judicial reviews, generated by those opposed to the garden community and its location.</b>	Remain in active examination, negating the need for the resubmission process and would hopefully maintain existing Inspector allowing for consistency (subject to PINS work planning).
<b>Costly at a time when the Authority is working hard to manage budgets.</b>	Would still be assessed against 2012 NPPF and not subject to the Standard Housing Methodology.
<b>No assurance that the Plan would be found sound at the end of the process.</b>	Extensive work and costs, would not be lost.
<b>Insufficient staff to manage workloads potentially leading to further delay.</b>	Opportunity to use the situation to challenge government, especially when considering the implications and funding of Junction 6.
<b>Would need to retain the Programme Officer at cost as active (albeit paused) examinations require a programme officer.</b>	Draft Infrastructure Delivery Plan can still be referred to in CIL matters and still represents the most detailed information the Council has on infrastructure needs.
<b>Would need to retain an Inspector which may incur cost. The actions and working of the Inspector are not within the control of the Council and costs would be difficult to budget for and monitor.</b>	

Risk/Issue	Opportunity
The current plan period is now less than 15 years and the Inspector would need to advise on this as an appropriate plan period is a fundamental aspect of a plan.	
Implications for the assessment of planning applications, pressure on the existing urban areas, potential increase in speculative applications with associated appeals and costs.	
If found sound following work, early/immediate review would be needed, as the Plan would be out of date on adoption. This would be alongside the AAP (which would also need budgeting for), in order to limit the amount of time lost.	
Fundamental issue of soundness stems from the Council's difficulties with Junction 6 of M25. While an interim solution has been identified, the ability to fund the upgrades within a timely manner are still in question, raising a question of deliverability.	
Communities would remain uncertain until a decision regarding the plan is reached.	
Reputational challenges for the Council which could be seen as trying to progress a plan which is opposed by the community alongside doubts raised by the Planning Inspector, and at further cost.	
Would be progressing a plan which does not reflect the extraordinary circumstances which have followed the selection of the spatial strategy (e.g. Gatwick, COVID, BREXIT etc). Attempting to do so would likely result in a Plan significantly different from that which has been submitted and would potentially need to revert to the earlier stages of plan-making, forcing it to be withdrawn to ensure the legal compliance stages of consultation and	

Risk/Issue	Opportunity
environmental assessment can be completed. In effect, the plan would be a different plan from that which is being examined.	
A requirement of continuance would be to rerun the strategic highway model to identify that there is a solution to all junctions on the local road network. There is no guarantee this could be done quickly and could require multiple re-runs of the model.	
Updated detailed viability assessments could lead to sites being found unviable and additional policy changes required, such as the amount of affordable housing and infrastructure that can be provided on site.	
Could cause a further delay for those Neighbourhood Planning groups who are seeking to work against/have commenced working against, the updated Local Plan.	
Whilst it does not require a full review of the plan, the Council would need to consider whether a review of the plan was needed, after 5 years (from adoption) as set down in legislation and policy.	

Further detail  
What is the process?





Time and resourcing estimates:

2.17 A full list of the requirements set out by the Inspector in ID16, is included at Annex 1 of this paper, and the tasks he has identified have been accounted for in the estimated timescales and work to be done, set out below. It is worth noting, that aspects of the work set out in ID16 by the Inspector, are also relevant to Option 3 and 4 and again this is covered under those Options, accordingly.

Option 2			
Work	Timescale	Notes	Financial Year
<b>Affordable Housing Paper</b>	2 months (subject to OAN arrangements)	Dependent on an agreed OAN, work will need to be done first/in parallel.	22/23
<b>Area Action Plan for South Godstone Garden Community Engagement Strategy</b>	1 month	Homes England has offered to support this and advise.	22/23
<b>Environment Act reflection</b>	Iterative	Consideration of the Act, may require additional facets of work to be added to the programme.	21/22, 22/23
<b>Housing trajectory</b>	1 month	This can only be completed once the OAN has been resolved and all sites and infrastructure, determined. It will also benefit from the most up to date development monitoring figures, which will be available in annually.	22/23
<b>Viability for Plan</b>	3 months	Need to reflect all modifications.	23/24
<b>Junction 6 Feasibility Work (Eastbound diverge)</b>	6 months	This element of work is highly detailed and includes economic modelling, testing Options, third-party land considerations and costing.	22/23, 23/24,

Option 2			
		The SCC feasibility fund could be utilised for this work, SCC may also be able to contribute to this work but that would need to be explored with them. This work would not be as extensive as that set out under Option 1.	
<b>Objectively Assessed Need (OAN) for housing Technical Paper</b>	1.5 months (subject to OAN arrangements)	This is dependent on the Council retaining the current consultant - if new consultants need to be recommissioned, the cost will be higher and the length of time longer to enable the consultants to gather all the data and familiarise themselves with the situation.	22/23
<b>Gypsy &amp; Traveller Needs Assessment.(Refresh)</b>	6 months	<p>This work takes time due to the number of attempts to consult with the community which are needed to demonstrate sufficient efforts are made to engage. Stakeholder consultation is also necessary and can be lengthy to resolve issues.</p> <p>As the Inspector has previously raised concerns around the Council's approach to provisions for the travelling community, updated information could assist this and reflect on the number of permissions that have been granted since the examination in public.</p>	22/23
<b>HELAA Review</b>	3 months		22/23, 23/24
<b>School Places Forecasting</b>	3-6 months	Reliant on SCC for this and the data they hold. SCC only carry out forecasting twice a year and dependent on when we are able to provide them with information regarding site numbers etc, will depend on when they can respond. With COVID	22/23, 23/24

Option 2			
		and changes to schools, they are facing more challenges than normal. This information is influenced by different yields and feeds into the IDP.	
<b>Site specific Flooding Assessments</b>	2months	ID16 highlights the need for these, particularly around the Smallfield area. This will influence the Flooding Exceptions Test.	22/23
<b>Infrastructure Delivery Plan</b>	Ongoing	Subject to recruiting a replacement member of staff, and the progress made with providers and forecasting agencies through engagement. This work would need to consider amended yields set out in TED17 and the Inspectors correspondence ID16.	22/23, 23/24
<b>Flooding Exceptions Test</b>	1 month	We must be mindful that this work can alter the yields of sites in addition to those changes already discussed with the Inspector. This work will need to be completed before other pieces of work such as SA, viability.	22/23,
<b>ID13 Finalised</b>	Ongoing	Dependent on the Inspector, this may no longer be needed if the position statement, agreed by all parties, is accepted.	21/22
<b>Early AAP work</b>	1 year	The commitments of the plan period and policies of the Local Plan would require work to commence on the AAP if it is to secure aspects of delivery before 2033. As such the Council will need consultancy input due to resourcing necessary work including: early master planning, constraints mapping, stakeholder and community engagement, utilities planning etc.	22/23, 23/24

Option 2			
<b>LDS Review</b>	1 month	This will be prepared once a response is received from the Inspector and brought to the subsequent Planning Policy Committee for adoption.	21/22
<b>Gypsy and Traveller site review work (as per Inspector)</b>	1 month	This is in addition to the Gypsy and Traveller Needs Assessment, refresh and would look at the site and provision aspects highlighted by the Inspector.	22/23
<b>Economic Need Assessment (Refresh)</b>	4 months	The last ENA was 2017 and as a needs assessment would benefit from an update.	21/22, 22/23
<b>Heritage Assessments</b>	2 months	To be commissioned. Should be done earlier on in the process.	21/22
<b>Strategic Transport modelling and mitigation (Local Roads)</b>	8 months	Carried out by SCC, which would technically be at no cost. However, due to the capacity of the SCC Highways team we previously commissioned help for them to speed up the work to avoid incurring significant delays. This also assumes SCC don't want to re-run the original base model - at which point would be a further delay. This work would test the higher yields on sites as identified in TED17.	22/23, 23/24
<b>A22/Felbridge Junction Capacity Work</b>	6 months	This work would require the involvement of SCC and WSCC. It may be possible to factor in this work as part of the wider strategic modelling and mitigation work, however, feasibility assessment would still be necessary, so it is being included separately.	22/23, 23/24
<b>AAP Governance work</b>	1 month	Homes England has offered support and advice.	21/22

Option 2			
<b>Main modifications</b>	Iterative.	Some of this work has been commenced, however, we would need to liaise with the Inspector and determine whether further modifications are needed. Dependent on staffing capacity, some of this work which doesn't have any interdependencies, can be run in parallel to other workstreams.	21/22, 22/23, 23/24 Until final plan agreed with Inspector.
<b>Review statements of common ground</b>	Ongoing		21/22, 22/23, 23/24 Until final plan agreed with Inspector.
<b>Sustainability Appraisal</b>	Iterative	This will need to be commissioned. To take place once modified policies, site changes etc are complete. This work would need to be commissioned as the previous in house specialist who carried out the substantive aspects of the SA, is no longer with the authority.	22/23, 23/24
<b>Air Quality Update (sites, Ashdown forest and Reigate to Mole Gap escarpment)</b>	2 months	Could reflect any changes and post COVID environments and inform the HRA. This will be an important part of our Statement of Common Ground with Wealden DC and ongoing HRA work. This update may also be able to factor in some aspects of the emerging Gatwick DCO.	22/23, 23/24
<b>Habitats Regulation Assessment</b>	2 months	This work would need to be commissioned as the previous in house specialist who carried out the substantive aspects of the HRA, is no longer with the authority.	22/23, 23/24

Option 2			
<b>Programme Officer Costs</b>	Until adoption	If virtual hearings were to be carried out, any future examination session costs may not include expenses, which would be a saving. However, even though the examination would be paused there will still be costs from interested parties who wish to contact the programme officer.	21/22, 22/23, 23/24 Until adoption
<b>Legal representation</b>	Until Adoption	For the purposes of examination and additional hearings.	21/22, 22/23, 23/24 Until adoption
<b>Inspector's Fees</b>	Until adoption	We're unsure the amount of time he would still need. Unfortunately, inspector's fees are reactive, and PINS do not provide us with estimated costs. These costs may increase due to the reopening of hearings depending on their length, or if the Inspector needed to carry out Inspector led consultations.	21/22, 22/23, 23/24 Until adoption

#### Caveats

- Takes no account for possible need to implement design code.
- Should Gatwick's DCO or FASl programme result in a change to noise contours, this could impact on site suitability of those already included in the plan, potentially in Burstow area and/or traveller sites we may consider as part of any modifications process, if necessary.
- Does not reflect the Surrey Hills boundary changes. The Plan to date has excluded development in the current candidate areas. Should these candidate areas grow, or the new boundary be finalised during the time of modifications, it could impact on legitimacy of sites.

## Indicative Milestones

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

2.18 With the concerns raised at paragraphs 12, 15, 64 of ID16 and throughout ID19, it is apparent that the Inspector already has concerns about perpetuating the existing timetable. However, it would be for the Inspector to determine if he could accept such a delay.

### Plan Period and Early Review

2.19 The Plan period for the Local Plan is 20 years (2013-2033). NPPF 2012, the iteration of the framework against which the Plan is being examined states at paragraph 157 that *“Crucially, Local Plans should: be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date.”* At the point of submission, 15 years remained.

2.20 Furthermore, regardless of the extent of work the Council may need to undertake on the Plan to overcome the Inspector’s concerns, there are no guarantees that the Plan would be found sound at the end of the process. Should the Council successfully reach a sound outcome and adopt the Plan, due to the shifting landscape of national policy, the Council would need to undertake an early/immediate review and the Inspector recognises this at paragraph 67 of ID16 and as such is highlighted as a risk.

## Planning Applications and Land Supply

- 2.21 As we know, the implications of having or not having a Plan has an impact for the Development Management process. At the examination stage of a Local Plan, little weight can be given to the emerging Plan.
- 2.22 If Option 2 is determined by the Inspector, planning application reports will continue to include a holding statement stating where the Council is in the examination process, but no less or more weight can be attributed in general terms. Continued delay may increase the risk of speculative applications. It is likely that applicants will increasingly seek to rely on national policies and their emphasis on increasing densities and unmet housing needs. This is an increasing concern with the anticipated planning reforms and what changes to national policy may be implemented.

## Housing Need

- 2.23 The existence of the Standard Housing Methodology has perpetuated discussions around housing need at the application stage. In accordance with government requirements, the Council has had to prepare Housing Delivery Action Plans for the last 3 years, setting out that a five-year housing land supply does not currently exist. Yet, the Council has been able to argue that the Local Plan is in the examination process. Remaining under examination would enable Officers to continue to make that argument, however, increasing the delay to the Plan could undermine it and the risk of appeals and costs become greater. As such, there are both positives and negatives in this instance.
- 2.24 Continuing with the submitted plan does mean that the Council is still subject to the NPPF 2012 policies and therefore the Local Plan has not been required to accord with the Standard Housing Methodology figure of 646 in its plan-making, but any current applications are assessed against it. Prolonging the examination process would not erase this figure and if the Plan were still to be found unsound after the additional work the issue would still exist, and already the Inspector has highlighted the need to 'future-proof' policies where necessary. However, to date he has not indicated that housing need would be subject to this.



### Green Belt

2.25 The Inspector's ID16, paragraph 44, states that policies in the National Planning Policy Framework "*indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full*". While at paragraph 49, he goes on to express his thought that the OAN is likely to be higher than that of the plan submitted, the two paragraphs are considering two separate matters. Paragraph 44 is about delivery and paragraph 49 relates to housing need. However, the role of the Green Belt still holds significant weight for the application process in general and has served the authority well as a policy to resist inappropriate development. It will only be through the testing of further applications and appeals that the Council will know if this remains the case, or if the housing need aspect will gain more weight.

### Infrastructure

- 2.26 There has been little reference to wider infrastructure from the Inspector in his correspondence and he has focused predominantly on M25, J6. However, it is apparent that he has concerns and additional work around schools and the local road network etc would be necessary, should the Plan continue and this work has been factored in above. In addition, the Infrastructure Delivery Plan would need to be reviewed and the increased yields, set out in TED17 would be tested as part of this.
- 2.27 Close working with Surrey County Council and other relevant infrastructure providers would be required and the consideration of funding sources would be essential.

### Option 2: Associated work

- 2.28 The Area Action Plan (AAP) itself is an important element of the decision-making process and Officers wish to ensure any known 'by default' costs are also highlighted. Should the Option to continue with the submitted Local Plan be pursued and found sound, the Local Plan, at policy SGC01, commits to the undertaking of an Area Action Plan to guide the development of the Garden Community. As such, the following would be required to be considered in annual budgeting for the longer term.

- 2.29 It is envisaged that due to the geographically focused nature of the AAP, more community engagement would be both beneficial and necessary and in addition to the statutory stages of consultation. Therefore, costs and stages for community engagement would be potentially higher or on a par with that of the Local Plan. Costs would likely be higher due to the need for additional external assistance as the AAP will likely be prepared alongside other workstreams, including a further review of the Local Plan.
- 2.30 No work on the AAP has commenced but should have been well underway now to ensure the Garden Community could commence delivery within the plan period. As such, risks are highlighted around the work programme and deliverability aspect of the AAP. It is likely that the Inspector will be cognisant of this and factor it into any conclusions he comes to in responding.

#### Garden Community AAP

<b>Task</b>	<b>Who</b>
<b>HELAA Review</b>	Team
<b>Utilities assessment (mapping of constraints)</b>	Consultant / Team
<b>Landscape Assessment</b>	Consultant / Team
<b>Ecology Assessment</b>	Consultant / Team
<b>Heritage assessment</b>	Consultant / Team
<b>Flood assessment</b>	Consultant / Team
<b>Air quality monitoring</b>	Consultant / Team
<b>Geology / hydrology</b>	Consultant / Team
<b>Community facilities assessment</b>	Consultant / Team
<b>Constraint and opportunities Master planning</b>	Consultant / Team
<b>Green and Blue infrastructure assessment</b>	Consultant / Team
<b>Community engagement</b>	Consultant / Team
<b>Governance paper</b>	Team
<b>Engagement Strategy</b>	Team

<b>Changes to Master planning following engagement</b>	Consultant / Team
<b>Infrastructure assessment</b>	Consultant / Team
<b>Transport assessment</b>	Consultant / Team
<b>Viability assessment</b>	Consultant / Team
<b>Community engagement</b>	Consultant / Team
<b>Mapping</b>	Team
<b>Green Belt and Housing Paper</b>	Team
<b>Statement of Common Ground (DtC)</b>	Team
<b>Sustainability Appraisal / Strategic Environmental Assessment</b>	Consultant / Team
<b>Habitat Regulations Assessment</b>	
<b>Equalities Impact Assessment</b>	Team
<b>Regulation 18 and 19 consultation</b>	Consultant/Team

#### Caveats

- It is envisaged that the AAP would take around 3 years to prepare and timing could be impacted depending on the capacity of the team and any use of external consultants.
- External legal fees and Inspector fees for the AAP would need to be factored into any budgets.
- There are funding opportunities with the AAP which might be partly additional funding from other sources, including Homes England Garden Community Fund and/or Levelling Up.
- No cost estimates for Garden Community land assembly have been made to date.

Option 3: Continue with the current Local Plan and modifications process securing a 5-year Plan

2.31 Option 3 is identical to Option 2 with the fundamental difference that it would provide the Council with a shorter period of adoption (as opposed to up to 2033), in the knowledge that the Local Plan would need to be substantively reviewed after 5 years. This option focuses on the delivery of the allocated sites as a way of meeting housing needs. Preparatory work on the Garden Community would need to commence with a view to it forming part of the Plan beyond the initial 5 years.

#### Snapshot - Risks, issues and opportunities

Risk/Issue	Opportunity
<b>The timescales of work still needed on the Plan may not justify a shorter-term plan on the basis of concerns already raised by the Inspector.</b>	Safeguard a 5-year land supply position and defend against speculative applications
<b>Is an alternative option than those put forward by the Inspector and he may not be accepting of it.</b>	Previous expenditure on the Plan would not be wasted.
<b>Challenge by interested parties may be received on the basis of the approach and not being more proactive about the Garden Community.</b>	While the plan is in place the Council can carry out additional engagement with communities to establish if an alternative spatial strategy is better placed for the District, in advance of the need to review.
<b>Could be argued this is an alternative way to alter the spatial strategy and remove the Garden Community, rather than committing to prepare a new plan.</b>	The community will have some certainty around intended development for the 5-year period
<b>No assurance that the Plan would be found sound at the end of the process.</b>	The Council would remain in active examination, negating the need for the resubmission process and would hopefully maintain existing Inspector allowing for consistency (subject to PINS work planning).
<b>Insufficient staff to manage workloads potentially leading to further delay.</b>	Would still be assessed against 2012 NPPF and not subject to the Standard Housing Methodology.
<b>Would need to retain the Programme Officer at cost as active (albeit paused) examinations require a programme officer.</b>	Draft Infrastructure Delivery Plan can still be referred to in CIL matters and still represents the most detailed information the Council has on infrastructure needs.

Risk/Issue	Opportunity
<b>Would need to retain an Inspector which may incur cost when they are working. The actions and working of the Inspector are not within the control of the Council and costs would be difficult to budget for and monitor.</b>	It could present the Council with an opportunity for joint plan-making with neighbouring Districts, if timescales aligned and agreed.
<b>Could be argued that instead of adopting a 5-year plan, the full plan should be committed to and any 5 year review undertaken as part of legislative and policy requirements.</b>	
<b>Work on the 5-year review would need to commence, at cost, throughout the 'adopted' period.</b>	
<b>Some aspects of infrastructure, to be provided, would not come forward in the first 5 years and given that a review would be akin to a new stage of Plan making, the commitments of longer term infrastructure provision would be hindered.</b>	
<b>Could be argued that there is an insufficient land supply sufficient to justify a 5-year supply, or to cover a 15 year time horizon.</b>	

2.32 The prospect of seeking the adoption of a 5-year plan is not a new one and there are precedents across the country where Inspectors have sought to permit shorter term plans for authorities where it has been sound and appropriate to do so. In the cases of Bedford, Swale and Oadby and Wigston, shorter plans were permitted by Planning Inspectors on the grounds of significant strategic issues that were not in the control of the local authorities, creating obstacles to otherwise sound and deliverable plans, which could demonstrate 5-year land supplies. In the case of Tandridge, the matter of Junction 6, has been that predominant obstacle. Paragraph 9.4 of the Planning Inspectorate's examination guide states:

*"In some instances, a partial pause in the examination, covering only a certain part of the plan, may be appropriate. This will allow the examination of the rest of the plan to continue, with less disruption to the examination timetable. However, a partial pause will only be appropriate where significant soundness or legal compliance issues affect only a discrete part of the plan, and the further work required will not have implications for the rest of the plan."*

2.33 As such, it is plausible to consider that if the Inspector's concerns remain connected to the Garden Community, and he finds the short-term solution to Junction 6 sufficient to overcome his earlier concerns and the non-related policies and allocations (subject to his modifications) sound, then a 5-year plan could be acceptable.

Further detail

What is the process?



Time and resourcing estimates:

2.34 As with Option 2, Option 3 does rely on outsourcing the preparatory AAP work to a consultant team as such the costs and timescales would be the same as Option 2.

Option 3			
Work	Timescale	Notes	Financial Year
<b>Affordable Housing Paper</b>	2 months (subject to OAN arrangements)	Dependent on an agreed OAN, work will need to be done first/in parallel.	22/23
<b>Area Action Plan for South Godstone Garden Community Engagement Strategy</b>	1 month	Homes England has offered to support this and advise.	22/23
<b>Environment Act reflection</b>	Iterative	Consideration of the Act, may require additional facets of work to be added to the programme.	21/22, 22/23
<b>Housing trajectory</b>	1 month	This can only be completed once the OAN has been resolved and all sites and infrastructure, determined. It will also benefit from the most up to date development monitoring figures, which will be available in annually.	22/23
<b>Viability for Plan</b>	3 months	Need to reflect all modifications.	23/24
<b>Junction 6 Feasibility Work (Eastbound diverge)</b>	6 months	<p>This element of work is highly detailed and includes economic modelling, testing Options, third-party land considerations and costing.</p> <p>The SCC feasibility fund could be utilised for this work, SCC may also be able to contribute to this work but that would need to be explored with</p>	22/23, 23/24,



Option 3			
		them. This work would not be as extensive as that set out under Option 1.	
<b>Objectively Assessed Need (OAN) for housing Technical Paper</b>	1.5 months (subject to OAN arrangements)	This is dependent on the Council retaining the current consultant - if new consultants need to be recommissioned, the cost will be higher and the length of time longer to enable the consultants to gather all the data and familiarise themselves with the situation.	22/23
<b>Gypsy &amp; Traveller Needs Assessment. (Refresh)</b>	6 months	<p>This work takes time due to the number of attempts to consult with the community which are needed to demonstrate sufficient efforts are made to engage. Stakeholder consultation is also necessary and can be lengthy to resolve issues.</p> <p>As the Inspector has previously raised concerns around the Council's approach to provisions for the travelling community, updated information could assist this and reflect on the number of permissions that have been granted since the examination in public.</p>	22/23
<b>HELAA Review</b>	3 months		22/23, 23/24
<b>School Places Forecasting</b>	3-6 months	Reliant on SCC for this and the data they hold. SCC only carry out forecasting twice a year and dependent on when we are able to provide them with information regarding site numbers etc, will depend on when they can respond. With COVID and changes to schools, they are facing more challenges than normal. This information is	22/23, 23/24

Option 3			
		influenced by different yields and feeds into the IDP.	
<b>Site specific Flooding Assessments</b>	2months	ID16 highlights the need for these, particularly around the Smallfield area. This will influence the Flooding Exceptions Test.	22/23
<b>Infrastructure Delivery Plan</b>	Ongoing	Subject to recruiting a replacement member of staff, and the progress made with providers and forecasting agencies through engagement. This work would need to consider amended yields set out in TED17 and the Inspectors correspondence ID16.	22/23, 23/24
<b>Flooding Exceptions Test</b>	1 month	We must be mindful that this work can alter the yields of sites in addition to those changes already discussed with the Inspector. This work will need to be completed before other pieces of work such as SA, viability.	22/23,
<b>ID13 Finalised</b>	Ongoing	Dependent on the Inspector, this may no longer be needed if the position statement, agreed by all parties, is accepted.	21/22
<b>Early AAP work</b>	1 year	The commitments of the plan period and policies of the Local Plan would require work to commence on the AAP if it is to secure aspects of delivery before 2033. As such the Council will need consultancy input due to resourcing necessary work including: early master planning, constraints mapping, stakeholder and community engagement, utilities planning etc.	22/23, 23/24
<b>LDS Review</b>	1 month	This will be prepared once a response is received from the Inspector and brought to the	21/22

Option 3			
		subsequent Planning Policy Committee for adoption.	
<b>Gypsy and Traveller site review work (as per Inspector)</b>	1 month	This is in addition to the Gypsy and Traveller Needs Assessment, refresh and would look at the site and provision aspects highlighted by the Inspector.	22/23
<b>Economic Need Assessment (Refresh)</b>	4 months	The last ENA was 2017 and as a needs assessment would benefit from an update.	21/22, 22/23
<b>Heritage Assessments</b>	2 months	To be commissioned. Should be done earlier on in the process.	21/22
<b>Strategic Transport modelling and mitigation (Local Roads)</b>	8 months	Carried out by SCC, which would technically be at no cost. However, due to the capacity of the SCC Highways team we previously commissioned help for them to speed up the work to avoid incurring significant delays. This also assumes SCC don't want to re-run the original base model - at which point would be a further delay. This work would test the higher yields on sites as identified in TED17.	22/23, 23/24
<b>A22/Felbridge Junction Capacity Work</b>	6 months	This work would require the involvement of SCC and WSCC. It may be possible to factor in this work as part of the wider strategic modelling and mitigation work, however, feasibility assessment would still be necessary, so it is being included separately.	22/23, 23/24
<b>AAP Governance work</b>	1 month	Homes England has offered support and advice.	21/22
<b>Main modifications</b>	Iterative.	Some of this work has been commenced, however, we would need to liaise with the	21/22, 22/23, 23/24

Option 3			
		Inspector and determine whether further modifications are needed. Dependent on staffing capacity, some of this work which doesn't have any interdependencies, can be run in parallel to other workstreams.	Until final plan agreed with Inspector.
<b>Review statements of common ground</b>	Ongoing		21/22, 22/23, 23/24 Until final plan agreed with Inspector.
<b>Sustainability Appraisal</b>	Iterative	This will need to be commissioned. To take place once modified policies, site changes etc are complete. This work would need to be commissioned as the previous in-house specialist who carried out the substantive aspects of the SA, is no longer with the authority.	22/23, 23/24
<b>Air Quality Update (sites, Ashdown forest and Reigate to Mole Gap escarpment)</b>	2 months	Could reflect any changes and post COVID environments and inform the HRA. This will be an important part of our Statement of Common Ground with Wealden DC and ongoing HRA work. This update may also be able to factor in some aspects of the emerging Gatwick DCO.	22/23, 23/24
<b>Habitats Regulation Assessment</b>	2 months	This work would need to be commissioned as the previous in-house specialist who carried out the substantive aspects of the HRA, is no longer with the authority.	22/23, 23/24
<b>Programme Officer</b>	Until adoption	If virtual hearings were to be carried out, any future examination session costs may not include expenses, which would be a saving.	21/22, 22/23, 23/24 Until adoption

Option 3			
		However, even though the examination would be paused there will still be costs from interested parties who wish to contact the programme officer.	
<b>Legal Representation</b>	Until adoption	For the purposes of examination and additional hearings.	21/22, 22/23, 23/24 Until adoption
<b>Inspector</b>	Until adoption	We're unsure the amount of time he would still need. Unfortunately, inspector's fees are reactive, and PINS do not provide us with estimated costs. These costs may increase due to the reopening of hearings depending on their length, or if the Inspector needed to carry out Inspector led consultations.	21/22, 22/23, 23/24 Until adoption

#### Caveats

- Doesn't account for additional work we would need to start ahead of any 5-year review.
- Takes no account for possible need to implement design code.
- Should Gatwick's DCO or FASI programme result in a change to noise contours, this could impact on site suitability of those already included in the plan, potentially in Burstow area and/or traveller sites we may consider as part of any modifications process, if necessary.
- Does not reflect the Surrey Hills boundary changes. The Plan to date has excluded development in the current candidate areas. Should these candidate areas grow, or the new boundary finalised during the time of modifications, it could impact on legitimacy of sites.

## Indicative Milestones

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

2.35 As stipulated under Option 2, the Inspector has raised concerns about any approach that would perpetuate the existing timetable. However, it would be for the Inspector to determine if he would accept such a delay on reflection of the Council's response and any points raised.

### Plan Period and Early Review

2.36 The Plan period for the Local Plan is 20 years (2013-2033). NPPF 2012, the iteration of the framework against which the Plan is being examined states at paragraph 157 that "*Crucially, Local Plans should: be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date.*". Despite this Option seeking a 5-year plan, this would not alter the plan period. Instead, the plan-period would not be subject to review at this point, but as part of the wider plan review that would need to take place.

2.37 This is also the approach that was taken in the case of Bedford, Swale and Oadby and Wigston who have been given shorter plan periods.

2.38 It is logical to acknowledge that should a 5-year plan be secured, by the time the work has been completed and the Plan in place, circumstances, policies and needs will have changed so significantly for residents and businesses, that continuing with the Plan would not be appropriate. It would be at this point, or ideally a year or so before the plan runs out, that engagement with communities etc, should be undertaken to try and establish whether the review of the Plan should be a wholesale review, including that of the sites to be allocated and spatial strategy to be followed.

## Planning Applications, housing need, Green Belt and Infrastructure

2.39 The impact of Option 3 on the Council's planning applications process would mirror that of Option 2.

## Option 4: Continue with the Plan as set out in TED48

- 2.40 This option was originally presented to the Inspector as a without prejudice, alternative approach to progressing the Plan and set out in TED48. The emergence of this option was prompted by the ongoing delay to the traffic modelling and the Inspector's comments in ID18 regarding the timeframes. The option would amend the Plan period so that the revised Plan period would be over fifteen years, from 2013-2028 and include amended site policies that would make as many of the allocated sites as possible sound in accordance with the Inspector's comments in ID16 and other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible. In addition, as with Option 3, Option 4 would introduce a 5-year review policy.
- 2.41 Option 4 places no reliance on the Garden Community and recognises that a full review of the Plan would be necessary after 5 years potentially requiring a new spatial strategy to be determined. This option maximises on the now understood available capacity of junction 6 of the M25, which would not prohibit Local Plan growth in the short to medium term.

### Snapshot - Risks, issues and opportunities

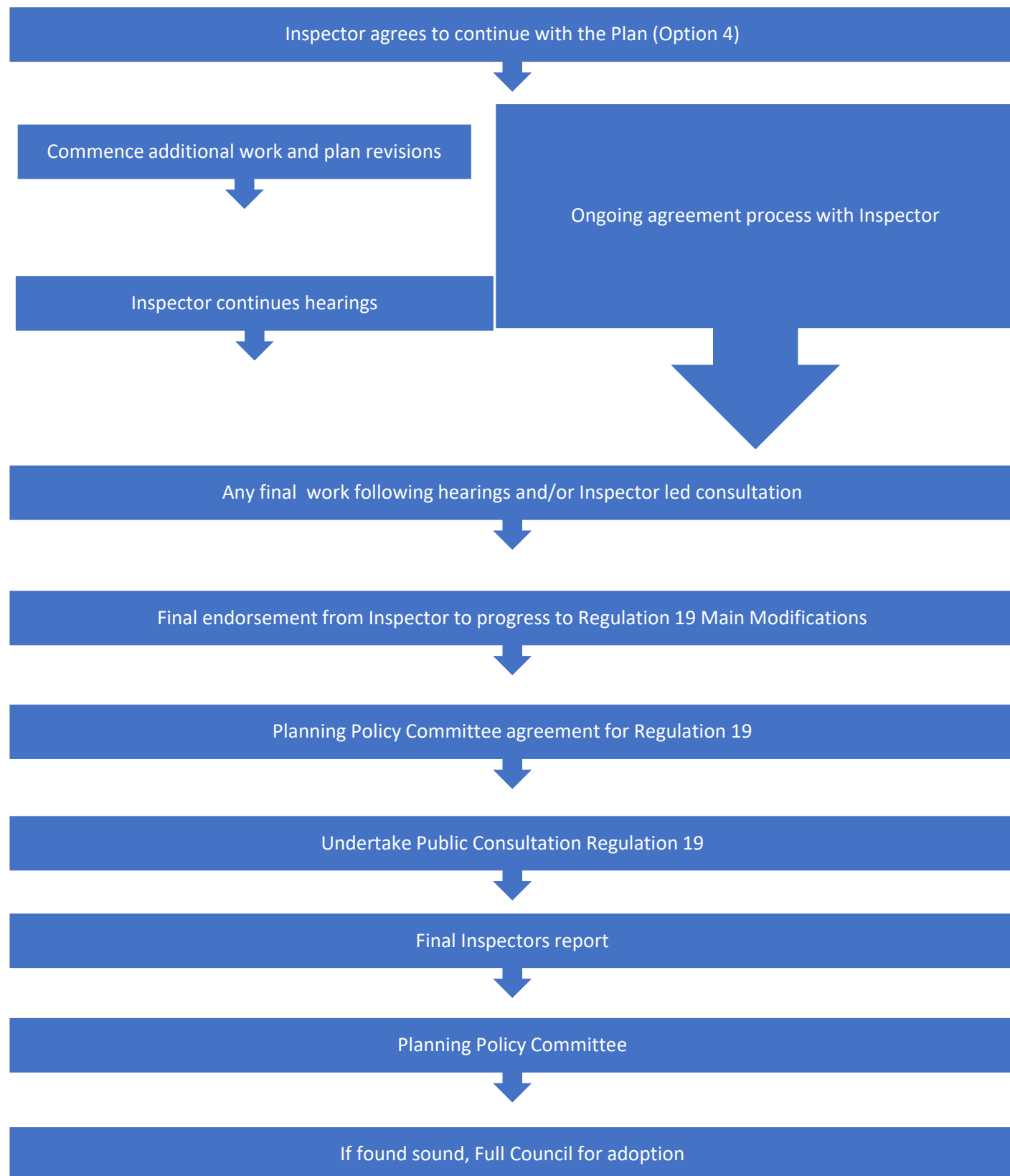
Risk/Issue	Opportunity
<b>The timescales of work still needed on the Plan may not justify a shorter-term plan on the basis of concerns already raised by the Inspector.</b>	Safeguard a 5-year land supply position and defend against speculative applications.
<b>Is an alternative option than those put forward by the Inspector and he may not be accepting of it.</b>	Previous expenditure on the Plan would not be wasted.
<b>Challenge by interested parties may be received on the basis that this would constitute a change to the spatial strategy and removal of the Garden Community.</b>	The community will have some certainty around intended development for the 5-year period.
<b>No assurance that the Plan would be found sound at the end of the process.</b>	The Council would remain in active examination, negating the need for the resubmission process and would hopefully maintain existing Inspector allowing for consistency (subject to PINS work planning).



Risk/Issue	Opportunity
<b>Insufficient staff to manage workloads potentially leading to further delay.</b>	Would still be assessed against 2012 NPPF and not subject to the Standard Housing Methodology.
<b>Would need to retain the Programme Officer at cost as active (albeit paused) examinations require a programme officer.</b>	Draft Infrastructure Delivery Plan can still be referred to in CIL matters and still represents the most detailed information the Council has on infrastructure needs.
<b>Would need to retain an Inspector which may incur cost when they are working. The actions and working of the Inspector are not within the control of the Council and costs would be difficult to budget for and monitor.</b>	It could present the Council with an opportunity for joint plan-making with neighbouring Districts, if timescales aligned and were supported by others.
<b>Work on the 5-year review would need to commence, at cost, throughout the 'adopted' period.</b>	It is a pragmatic solution in the current situation which the Inspector may find sound. It could present the Council with an opportunity for joint plan-making with neighbouring Districts, if timescales aligned and agreed.
<b>Some aspects of infrastructure, to be provided, would not come forward in the first 5 years and given that a review would be akin to a new stage of Plan making, the commitments of longer term infrastructure provision would be hindered.</b>	
<b>No consultation of Sustainability Appraisal has been undertaken to justify any change in spatial strategy.</b>	
<b>Could be argued that there is an insufficient land supply sufficient to justify a 5-year supply, or to cover a 15-year time horizon.</b>	

## Further detail

What is the process?



Time and resourcing estimates:

Option 4			
Work	Timescale	Notes	Financial Year
<b>Affordable Housing Paper</b>	2 months (subject to OAN arrangements)	Dependent on an agreed OAN, work will need to be done first/in parallel.	22/23
<b>Environment Act reflection</b>	Iterative	Consideration of the Act, may require additional facets of work to be added to the programme.	21/22, 22/23
<b>Housing trajectory</b>	1 month	This can only be completed once the OAN has been resolved and all sites and infrastructure, determined. It will also benefit from the most up to date development monitoring figures, which will be available in annually.	22/23
<b>Viability for Plan</b>	3 months	Need to reflect all modifications.	23/24
<b>Junction 6 Feasibility Work (Eastbound diverge)</b>	6 months	<p>This element of work is highly detailed and includes economic modelling, testing Options, third-party land considerations and costing.</p> <p>The SCC feasibility fund could be utilised for this work, SCC may also be able to contribute to this work but that would need to be explored with them. This work would not be as extensive as that set out under Option 1.</p>	22/23, 23/24,

Option 4			
<b>OAN Technical Paper</b>	1.5 months (subject to OAN arrangements)	This is dependent on the Council retaining the current consultant - if new consultants need to be recommissioned, the cost will be higher and the length of time longer to enable the consultants to gather all the data and familiarise themselves with the situation.	22/23
<b>Gypsy &amp; Traveller Needs Assessment. (Refresh)</b>	6 months	<p>This work takes time due to the number of attempts to consult with the community which are needed to demonstrate sufficient efforts are made to engage. Stakeholder consultation is also necessary and can be lengthy to resolve issues.</p> <p>As the Inspector has previously raised concerns around the Council's approach to provisions for the travelling community, updated information could assist this and reflect on the number of permissions that have been granted since the examination in public.</p>	22/23
<b>HELAA Review</b>	3 months		22/23, 23/24
<b>School Places Forecasting</b>	3-6 months	Reliant on SCC for this and the data they hold. SCC only carry out forecasting twice a year and dependent on when we are able to provide them with information regarding site numbers etc, will depend on when they can respond. With COVID and changes to schools, they are facing more challenges than normal. This information is influenced by different yields and feeds into the IDP.	22/23, 23/24

Option 4			
<b>Site specific Flooding Assessments</b>	2months	ID16 highlights the need for these, particularly around the Smallfield area. This will influence the Flooding Exceptions Test.	22/23
<b>Infrastructure Delivery Plan</b>	Ongoing	Subject to recruiting a replacement member of staff, and the progress made with providers and forecasting agencies through engagement. This work would need to consider amended yields set out in TED17 and the Inspectors correspondence ID16.	22/23, 23/24
<b>Flooding Exceptions Test</b>	1 month	We must be mindful that this work can alter the yields of sites in addition to those changes already discussed with the Inspector. This work will need to be completed before other pieces of work such as SA, viability.	22/23,
<b>ID13 Finalised</b>	Ongoing	Dependent on the Inspector, this may no longer be needed if the position statement, agreed by all parties, is accepted.	21/22
<b>LDS Review</b>	1 month	This will be prepared once a response is received from the Inspector and brought to the subsequent Planning Policy Committee for adoption.	21/22
<b>Gypsy and Traveller site review work (as per Inspector)</b>	1 month	This is in addition to the Gypsy and Traveller Needs Assessment, refresh and would look at the site and provision aspects highlighted by the Inspector.	22/23
<b>Economic Need Assessment (Refresh)</b>	4 months	The last ENA was 2017 and as a needs assessment would benefit from an update.	21/22, 22/23
<b>Heritage Assessments</b>	2 months	To be commissioned. Should be done earlier on in the process.	21/22

Option 4			
<b>Strategic Transport modelling and mitigation (Local Roads)</b>	8 months	Carried out by SCC, which would technically be at no cost. However, due to the capacity of the SCC Highways team we previously commissioned help for them to speed up the work to avoid incurring significant delays. This also assumes SCC don't want to re-run the original base model - at which point would be a further delay. This work would test the higher yields on sites as identified in TED17.	22/23, 23/24
<b>A22/Felbridge Junction Capacity Work</b>	6 months	This work would require the involvement of SCC and WSCC. It may be possible to factor in this work as part of the wider strategic modelling and mitigation work, however, feasibility assessment would still be necessary, so it is being included separately.	22/23, 23/24
<b>Main modifications</b>	Iterative.	Some of this work has been commenced, however, we would need to liaise with the Inspector and determine whether further modifications are needed. Dependent on staffing capacity, some of this work which doesn't have any interdependencies, can be run in parallel to other workstreams.	21/22, 22/23, 23/24 Until final plan agreed with Inspector.
<b>Review statements of common ground</b>	Ongoing		21/22, 22/23, 23/24 Until final plan agreed with Inspector.
<b>Sustainability Appraisal</b>	Iterative	This will need to be commissioned. To take place once modified policies, site changes etc are complete. This work would need to be	22/23, 23/24

Option 4			
		commissioned as the previous in-house specialist who carried out the substantive aspects of the SA, is no longer with the authority.	
<b>Air Quality Update (sites, Ashdown forest and Reigate to Mole Gap escarpment)</b>	2 months	Could reflect any changes and post COVID environments and inform the HRA. This will be an important part of our Statement of Common Ground with Wealden DC and ongoing HRA work. This update may also be able to factor in some aspects of the emerging Gatwick DCO.	22/23, 23/24
<b>Habitats Regulation Assessment</b>	2 months	This work would need to be commissioned as the previous in house specialist who carried out the substantive aspects of the HRA, is no longer with the authority.	22/23, 23/24
<b>Programme Officer</b>	Until adoption	If virtual hearings were to be carried out, any future examination session costs may not include expenses, which would be a saving. However, even though the examination would be paused there will still be costs from interested parties who wish to contact the programme officer.	21/22, 22/23, 23/24 Until adoption
<b>Legal Representation</b>	Until adoption	For the purposes of examination and additional hearings.	21/22, 22/23, 23/24 until adoption
<b>Inspector</b>	Until adoption	We're unsure the amount of time he would still need. Unfortunately, inspector's fees are reactive, and PINS do not provide us with estimated costs. These costs may increase due to the reopening of hearings depending on their length, or if the Inspector needed to carry out Inspector led consultations.	21/22, 22/23, 23/24 Until adoption

### Caveats

- Does not account for work we would need to start ahead of any 5-year review.
- Takes no account for possible need to implement design code.
- Should Gatwick's DCO or FASI programme result in a change to noise contours, this could impact on site suitability of those already included in the plan, potentially in Burstow area and/or traveller sites we may consider as part of any modifications process, if necessary.
- Does not reflect the Surrey Hills boundary changes. The Plan to date has excluded development in the current candidate areas. Should these candidate areas grow, or the new boundary finalised during the time of modifications, it could impact on legitimacy of sites.

### Indicative Milestones

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

2.42 As stipulated under Option 2 and 3, the Inspector has raised concerns about any approach that would perpetuate the existing timetable. However, it would be for the Inspector to determine if he would accept such a delay on reflection of the Council's response and any points raised.



## Plan Period and Early Review

- 2.43 The Plan period for the Local Plan is 20 years (2013-2033). NPPF 2012, the iteration of the framework against which the Plan is being examined states at paragraph 157 that “*Crucially, Local Plans should: be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date.*” Under this option, the Plan period would be 2013 – 2028. As such, the Inspector would need to determine if he felt that there was sufficient scope in the period of the Plan to meet necessary legislative and policy requirements.
- 2.44 Should a 15-year plan be secured, engagement with communities etc, regarding the potential content of the new Plan, should commence around 1 year prior to the end of the Plan period.

## Planning Applications, housing need, Green Belt and Infrastructure

- 2.45 The impact of Option 4 on the Council’s planning applications process would mirror that of Option 2 and 3.

## Annex 1 – Inspector required work

What	Relevant to Option 2	Relevant to Option 3	Relevant to Option 4	Notes
<b>Statement of Common Ground with National Highways and SCC and agreement of a methodology for transport modelling.</b>	Yes	Yes	Yes	Highlighted by the Inspector in ID13.
<b>Evidence demonstrating funding for mitigation measures on highway network.</b>	Yes	Yes	No	Part of the Inspector's consideration of deliverability
<b>Objectively Assessed Need. Technical paper.</b>	Yes	Yes	Yes	The Inspector advises that this needs to be carried out using the 2018 based household projections, and applying adjustments as outlined in his letter e.g. migration adjustment, market signals adjustment
<b>Market Signals Technical Paper.</b>	Yes	Yes	Yes	The Inspector asks for confirmation as to whether there have been any appreciable changes in affordability  This work feeds into the OAN, so must be undertaken before the new OAN is agreed.
<b>Affordable Housing Paper.</b>	Yes	Yes	Yes	May impact on the OAN so has to be undertaken before the new OAN is agreed.

What	Relevant to Option 2	Relevant to Option 3	Relevant to Option 4	Notes
<b>Housing land supply.</b>	Yes	Yes	Yes	<p>The Inspector considers that it has not been demonstrated that the Urban Capacity Sites, Town Centre, council housing and empty homes initiatives are deliverable or developable. We would either need to seek to demonstrate that they are or omit their contributions. In either case, the components of housing land supply would need to be re-calculated using latest available data, including most up-to-date site yields. This could also require the removal of the Garden Community and HSG11, if the junction improvements could not be provided.</p> <p>This will be undertaken once the OAN has been finalised and would be needed for Local Plan Options 2 - 4.</p>
<b>Green Belt Exceptional Circumstances</b>	Yes	Yes	Yes	<p>The Inspector highlights that any changes to the OAN may have consequential implications for the demonstration of exceptional circumstances for the alteration of Green Belt boundaries. This will also need to address the Inspector's requirement that sites for Gypsies and Travellers are inset. This will be needed for Local Plan Options 2-3.</p>
<b>Gypsies, Travellers and Travelling Showpeople</b>	Yes	Yes	Yes	<p>The Inspector advises us that there is a need to re-assess the level of need, particularly in relation to unknowns and cultural travellers, and through the Plan identifying a supply of deliverable/developable sites. As noted by the Inspector, work to this effect has been undertaken. However, these sites may also need to be re-assessed in relation to Green Belt exceptional circumstances, as well as in relation to the flooding sequential and exceptions tests, where necessary.</p>

What	Relevant to Option 2	Relevant to Option 3	Relevant to Option 4	Notes
				This will be needed for the Proposed Local Pan Options 2 - 4.
<b>Site specific flood risk assessments for HSG02 and HSG04</b>	Yes	Yes	Yes	<p>The Inspector highlights that two sites, HSG02 and HSG04, fall within Flood Zone 3b. He concludes that the evidence is insufficient to demonstrate that both parts of the exceptions test have been passed. He suggests that either he may be minded to advise their removal or site-specific assessments could address this issue. This work needs to be completed prior to other work e.g. Sustainability Appraisal and is likely to trigger a requirement to undertake further work on the flooding sequential and exceptions test, which would be undertaken in house, and may require an update of our Level 2 SFRA.</p> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>
<b>Heritage Assessments for HSG06 and HSG12.</b>	Yes	Yes	Yes	<p>The Inspector highlights the need for a heritage assessment for HSG06 and HSG12, which will need to assess the significance of any heritage assets and the effect of the proposed allocations on that significance. This will need to be undertaken early in the process as it will factor into potential yields. For HSG06 it may also require further engagement with the London Borough of Croydon.</p> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>
<b>Proposed employment allocation SES04.</b>	Yes	Yes	Yes	<p>The Inspector advises he is minded to conclude that there are exceptional circumstances but notes that it is a sensitive site in landscape terms. He advises that the policy be amended to ensure landscape and scenic beauty of the AONB be conserved.</p>

What	Relevant to Option 2	Relevant to Option 3	Relevant to Option 4	Notes
				<p>This would be undertaken in house but would require the input of the Surrey Hills AONB unit. However, timings could be affected due to the AONB boundary review that is currently underway.</p> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>
<b>Education provision/school places forecasting in relation to HSG15 and HSG13</b>	Yes	Yes	Yes	<p>The Inspector notes that the forecasts identify a deficit of school places towards the end of the Plan period for Tandridge as a whole and the provision of two primary schools on HSG15 and HSG13; the latter being a strategic opportunity. To reach a conclusion on provision he has requested information assessing the need for the proposed school sites in the context of the existing provision and capacity of primary schools and forecast growth in need. This work normally sits with our Infrastructure Officer, the post for which is vacant, and is reliant on SCC and the data it holds. SCC only carry out forecasting twice a year and the timing of when we are able to provide them with information regarding site yields etc, will affect when they can respond.</p> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>
<b>Development Management policies.</b>	Yes	Yes	Yes	<p>The Inspector highlights that he considers site yields in a number of instances comprise under-estimates and that policies should be clear what potential yields may be. He further highlights that he finds TED17 yield information to be appropriate.</p>

What	Relevant to Option 2	Relevant to Option 3	Relevant to Option 4	Notes
				<p>In addition, the Inspector has suggested the following:</p> <ul style="list-style-type: none"> <li>• TLP02: Presumption in favour of sustainable development – delete</li> <li>• TLP08: Rural Settlements – amend to clearly distinguish between approaches to Woldingham and the other washed over settlements. Amend criteria on Green Belt to align with the Framework and changes proposed in TLP03</li> <li>• TLP12: Affordable Housing Requirement – amend to accord with discussions at the hearings, and to remove 5 dwelling threshold for locations outside of the AONB.</li> </ul> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>
<b>Modifications raised through hearing sessions 2019</b>	Yes	Yes	Yes	<p>Work has begun on this element but will need to be revised with up to date information.</p> <p>This will be needed for the Proposed Local Pan Options 2 - 4.</p>

## APPENDIX B

If calling please ask for David Ford  
on 01883 732999

E-mail: [DFord@tandridge.gov.uk](mailto:DFord@tandridge.gov.uk)

Our ref: TED51

Date: 21 January 2022

Dear Inspector,

### **Tandridge District Council: Local Plan – Council response to ID16 and ID19**

Further to our previous correspondence (TED50) dated 6 January 2022, we are writing to advise you of the Options considered to be before the Council and to seek your views on whether any of these options could be pursued in a justified, sound and effective way; these Options are set out in greater detail in the attached Options Profile appendix.

You will be aware that the Council has been preparing its Local Plan since 2014 and invested significant resources in trying to secure a Local Plan which balances the significant constraints and challenges faced by the District, including 94% Green Belt.

Our letter and associated attachments of 6 January 2022 (TED50) provided you with the technical detail regarding the capacity of Junction 6 of the M25 and a solution which would need to be implemented by 2030.

The Council's primary objective is to reach a favourable outcome with its Local Plan and we would value a decision from you as to how you feel the Council should progress based on the Options set out below.

#### **Option 1: Withdraw and prepare a new Local Plan**

This option would result in the withdrawal of the Local Plan and require the Council to commence the preparation of a new Local Plan as per current national planning policy. You have recognised this option in paragraph 63 of ID16 and at paragraph 22 of ID19.

The following timescale is an indication of what the Council would need to work towards in preparing a new Local Plan.

Stage	Estimated Date
Regulation 18 (possible development options)	Q4 22/23
Regulation 19 (consultation on new draft Local Plan)	Q1 24/25
Submission	Q3 24/25
Examination	Q1 25/26
Regulation 19 - Main Modifications	Q4 25/26
Adoption	Q1 26/27

To withdraw the Local Plan and commence a new one, would result in substantial costs to the Council at a time when there is a strain on financial resources. Further, it significantly increases the risks to the Council regarding speculative planning applications and appeals while a new Local Plan is being prepared, the resource implications of which cannot be determined.

#### Option 2: Continue with the current Local Plan and modifications process

Option 2 accords with paragraph 63 of ID16 and alongside pausing the examination would require the Council to undertake further work on matters including, the OAN, housing requirement and supply, provision for Gypsies and Travellers, all to an agreed timescale.

The following timescale would be an indication of what the Council could work towards, should it be determined that this is the course to be taken.

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

We note your concerns raised at paragraphs 12, 15, 64 of ID16 regarding timescales and further comments in ID19 regarding the time that would need to be taken to get the Local Plan to a point where the examination could continue. However, we ask that you consider if this option is effective, justified and deliverable as a way forward.

Pursuing this option does mean that the Council will not have lost the financial investment in the Local Plan to date and would also enable the Council to demonstrate that it was seeking to get a plan in place at the earliest.



### Option 3 – Continue with the current Local Plan and modifications process securing a 5-year Plan

Option 3 is identical to Option 2 with the fundamental difference that there would be a shorter adoption period and the Plan would be substantively reviewed after 5 years. This option focuses on the delivery of the allocated sites as a way of meeting housing needs.

The prospect of seeking the adoption of a 5-year plan is not a new one and there are precedents across the country where Inspectors have sought to permit shorter term plans for authorities where it has been sound and appropriate to do so. In the cases of Bedford, Swale and Oadby and Wigston, shorter plans were permitted by Planning Inspectors. We ask that you consider this as an alternative for this Council.

Under this option the elements of work that would be required are essentially the same as those in Option 2, including the preparatory work for the Garden Community Area Action Plan as this would need to be undertaken to ensure timely delivery of the AAP. This option would also necessitate that the work you have requested in ID16 was undertaken.

The following timescale is an indication of what the Council could seek to work towards, should you determine that a 5-year plan was appropriate:

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

Once again, the Council notes the time that would be needed to get the Local Plan to a position where the examination could conclude. However, the benefits of this option are that, while it would not cover the intended plan period, an adopted Local Plan would initially be in place for the shorter term and be able to provide policy guidance for development and provide much needed support for the Council in its development management function.

### Option 4: Continue with a plan as set out in TED48

The Council has previously presented this option to you in TED48 as a without prejudice alternative approach to progressing the Local Plan. The proposal is a revised Local Plan period over fifteen years from 2013-2028 in accordance with paragraph 157 of the NPPF 2012 under which this Local Plan is being prepared. Under this option, the Local Plan would include amended site policies that would make as many of the currently proposed allocated sites sound in accordance with your comments. It would also include amended infrastructure policies which would take into account the recently completed findings of the M25 junction 6 transport modelling making maximum use of the remaining capacity in junction 6. Option 4 places no reliance on the Garden Community and recognises that a full review of the Local Plan would be necessary within 5 years from adoption, potentially requiring a new spatial strategy to be determined. The timescale for review of the Local Plan under this Option may help facilitate joint working with other authorities on an alternative Spatial Strategy.

Stage	Estimated Date
Re-Open hearings (M25, J6)	Q2 22/23
Further hearings (Housing need)	Q4 22/23
Regulation 19 – Main modifications	Q2 23/24
Adoption	Q4 23/24

As with Option 3, there are precedents for a shortened plan period and Option 4 would also be able to provide policy guidance for development and provide much needed support for the Council in its development management function. This option requires that significant new plan-preparation would be needed within the 5-year Local Plan timescale but would provide an interim planning policy framework within that timescale.

The Council recognises that you must be satisfied that the Council's Local Plan accords with policy and legislation. We also note that you must be confident that, if the Council is to proceed with its Local Plan, a sound outcome can be achieved. As such, we ask that you consider the Options presented to you, as further detailed in the Profile Options sent with this letter and advise us how you wish us to proceed.

Please do not hesitate to contact me should you have any questions.

Yours sincerely,

**David Ford**  
Chief Executive

## **Revised response to Mid Sussex District Council's consultation on modifications to its Site Allocations Development Plan Document**

**Planning Policy Committee – Thursday, 20<sup>th</sup> January 2022**

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Report of: Chief Planning Officer

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Purpose: For Decision

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Publication status: Open

Wards affected: All

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### **Executive summary:**

Mid Sussex District Council (MSDC) is preparing a Site Allocations Development Plan Document (Sites DPD) which, among other objectives, will seek to identify sufficient housing sites to provide a five-year housing land supply to 2031. MSDC is now consulting on proposed main modifications to its Sites DPD following consideration by the Planning Inspector. The closing date for comments is 23:59 on the 24th January 2022.

A suggested response was proposed to the Committee on the 5th January 2022. At that meeting, it was agreed that an alternative response be prepared by local Members and Officers for consideration on the 20th January 2022. A revised response has been drafted accordingly and is attached at Appendix A.

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**This report supports the Council's priority of:** Creating the homes, infrastructure and environment we need.

**Contact officer** Marie Killip - Strategy Specialist [mkillip@tandridge.gov.uk](mailto:mkillip@tandridge.gov.uk)

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### **Recommendation to Committee:**

That the Council's revised response, attached at Appendix A, be agreed.

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## **Reason for recommendation:**

The attached revised response attempts to reflect the concerns raised at the 5<sup>th</sup> January 2022 Planning Policy Committee meeting and is supported by Councillors Moore (Ward Member for Felbridge) and Steeds (County Councillor for the Lingfield Division, which covers Felbridge).

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### **Introduction and background**

1. As reported to the Committee on 5<sup>th</sup> January, Mid Sussex District Council (MSDC) is committed to preparing a Site Allocations Development Plan Document (Sites DPD) the stated aims of which are to:
  - (i) allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
  - (ii) allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
  - (iii) allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
  - (iv) set out additional strategic policies necessary to deliver sustainable development.
2. Following hearing sessions in June 2021 regarding MSDC's emerging Local Plan, the Inspector provided suggested modifications to the Sites DPD. MSDC is now consulting on those modifications, the deadline for responses to which is 23:59 on 24th January 2022. All representations made will be taken into account by the Inspector.
3. The consultation documents can be accessed via the following link to MSDC's website:  
  
[Development Plan Documents - Mid Sussex District Council](#)
4. Once the consultation has closed, MSDC will collate and send responses to the Inspector to inform his final report. Should the Inspector conclude that the Sites DPD meets legal and soundness requirements, it will be considered by the MSDC for adoption in the Spring.

5. A suggested response was presented to the Committee on 5th January 2022. The view was expressed that a more robust response should be submitted, given the potentially adverse impact of the Mid Sussex Local Plan policies SA19 and 20 upon Felbridge and local roads. It was therefore agreed that an alternative response be prepared by local Members and Officers for consideration on the 20th January.
6. The attached revised response (at Appendix A) has since been prepared by Officers in consultation with Councillors Moore and Steeds.

## **Equality**

There are no significant equality implications associated with this report.

## **Climate change**

Measures to address the implications of climate change have been factored into the Sites DPD, e.g. within various flood risk and sustainability assessments.

## **Appendices**

Appendix A – revised response to Mid Sussex District Council’s consultation regarding proposed modifications to its Site Allocations Development Plan Document

## **Background papers**

None

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**Revised draft Tandridge District Council response to proposed modifications to Mid Sussex District Council's Site Allocation Development Plan Document**

We continue to have significant concerns about the traffic impacts that the proposed site allocations in East Grinstead, specifically SA19 and SA20, will have on the A22 Star Junction, and Felbridge roads more generally and do not feel that the main modifications process has responded to these known issues, sufficiently. The Star Junction has existing issues which are known to be severe and bringing sites forward in that immediate area can only add to the severity of the transport issues. Accordingly, significant improvements to the Star Junction are needed. This must also be considered in the context of the Garden Community proposed through our emerging Local Plan, which would be located at South Godstone and the general growth set out in our Plan which will increase traffic levels at the junctions referenced throughout this response.

We would like to remind MSDC of the work TDC/MSDC/WSCC and SCC jointly undertook regarding our unsuccessful HIF bid. This included a bid for monies to upgrade the Felbridge junction and MSDC are very aware of the significant obstacle this junction presents for both districts. As such, we are unsure why the profile and significance of the matter does not appear to have been suitably acknowledged.

Policy SA35 relates to the Safeguarding of Land for Strategic Housing Requirements. We refer to our comments made at Reg 19 in relation to policy SA35 and continue to support the thrust of the policy on joint working over the future identification of safeguarded land for improvements at junctions in the A22 and A264 corridors, and that development should not prejudice the delivery of these proposals. The TDC position is that the significance of issues at the junctions mentioned, must be more clearly borne out in the policies of the MSDC Site Allocations Plan. Policies should provide necessary assurances to both residents of Tandridge, and the local areas affected in Mid Sussex, that these junctions will either be mitigated, or sites considered to be undeliverable in the absence of necessary mitigation. We note that in the proposed Modifications no mention is made of our request in our Reg 19 response that:

*'We would expect a mitigation option to have been agreed by all parties before the commencement of any development in the vicinity, so that we can be ensured that the impact will be mitigated and contributions towards the highways improvements are sought. As such, that wording to this effect is included within the policies (SA19 and SA20) as a main modification.'*

We regard this as extremely important and without it our concerns remain as these sites could come forward with no overall solution to the pre-existing severe Star Junction issues. We recognise that, as the Inspector dealing with the Hill Place Farm appeal made clear, developer funding can only be used to mitigate the impact of their development and not to remedy pre-existing issues with the junction. Thus, if the sites come forward, the developers have the legal high-ground in only implementing mitigation for the incremental vehicle movements. Due to the already overloaded Star Junction this is likely to lead to re-routing, thereby adding significant burden to unsuitable rural roads. Our district acutely understands the impacts of rerouting on the highway network and the A22 and other rural roads are frequently used as alternative routes for high levels of traffic in the event of issues on the M25 and M23. Yet, no regard appears to have been taken to the impacts of this on the struggling Star and Felbridge junctions.

West Sussex County Council, in their response to the DPD at the Regulation 18 stage (page 999 [https://www.midsussex.gov.uk/media/4704/reg18\\_summaryreport.pdf](https://www.midsussex.gov.uk/media/4704/reg18_summaryreport.pdf)) and as reiterated in their Regulation 19 response (page 215 [https://www.midsussex.gov.uk/media/5860/evidence-base\\_redacted.pdf](https://www.midsussex.gov.uk/media/5860/evidence-base_redacted.pdf)), noted that no scheme has been identified and also the possibility that the necessary significant junction improvements required at the Star Junction will not be delivered. Accordingly, they suggested an alteration but this has also not been incorporated.

We have included the relevant paragraph from their Regulation 18 response below.

“There is currently no scheme identified to improve the Felbridge junction that achieves all objectives and that all parties consider to be deliverable. Therefore, in the absence of evidence to the contrary, the County Council consider that the Site Allocations DPD should also acknowledge the possibility that improvements may not be deliverable at the Felbridge junction. If improvements are not deliverable, the Mid Sussex Transport Study indicates that the likely impacts of development are increasing delays and/or traffic re-routing via less suitable routes which may require mitigation measures such as traffic calming. Therefore, the County Council request that **para 3.16 is amended** to acknowledge that if highway improvements are not deliverable, then alternative transport strategy approaches, such as demand management or a major scheme, may need to be introduced to address pre-existing congestion and mitigate the cumulative impacts of development on the highway network.”

We also question whether the delivery of these sites is justified as the Plan seeks to over allocate against the established needs for the area. The DPD’s residual need has been updated (effective from 21 April 21) and has been reduced from 1280 to 797 homes. So the plan is required to provide 797 homes but is allocating 1704. Such constraints to the sites referenced provide sufficient justification for their removal. We consider that the removal of both SA19 and SA20 would also lessen the cumulative impact upon the already severe highways network and upon infrastructure within our district. While we accept that this is not a simple matter, if removal is not possible, then properly robust policies on the commitment to mitigation and improvements, should be implemented.

### **SA 19 Land South of Crawley Down Road, Felbridge**

We reiterate our previous Reg 19 comments regarding the identification of this site as part of East Grinstead settlement but its description as an extension to Felbridge.

*“Tandridge notes that site SA19 has been identified as being within the proposed built-up boundary of East Grinstead and as such has the same settlement category (Category 1). However, it is also being described as an extension to Felbridge, with its vehicular access off Crawley Down Road and policy requirements setting out that the any proposals maximise connectivity with Felbridge. It is also noted that, at present, the built-up boundary narrows to a thin line between the main built up area of East Grinstead and development to the south of Crawley Down Road but this boundary is being amended to include an area of land located between this site allocation and the main built-up area of East Grinstead. Notwithstanding this it is noted that policy DP13 of the Mid Sussex Development Plan 2014-2031 seeks to prevent the coalescence of settlements which harms the separate identity and amenity of settlements and the maintenance of this undeveloped gap reinforces the fact that they are separate settlements.*

*Our Settlement Hierarchy (2015 and 2018 Addendum) identifies Felbridge as a Tier 3 Rural Settlement which demonstrates a basic level of provision. However, it also recognises the relationship with out-of-district settlements, noting that residents rely on East Grinstead for services such as healthcare facilities, secondary schools and a train station. In arriving at our Preferred Strategy we considered a number of different approaches, including an approach with development focused on our Tier 3 settlements. Our Sustainability Appraisal concluded that such an approach would be unsustainable, with limited gains when compared to the impact on the environment and the settlements themselves. Tandridge's approach therefore does not include directing development towards this settlement."*

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District.

We welcome the inclusion of the Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.

#### **SA20 Land south and west of Imberhorne Upper School. Imberhorne Lane, East Grinstead**

We continue to support proposals for health and education provision related to this site as set out in our Reg 19 representations.

We also support the proposed Minor Modification regarding monitoring of the use and management of the proposed SANG.

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District

We welcome the inclusion of the proposed Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.